

DR. RAJENDRA PRASAD :
CORRESPONDENCE AND SELECT DOCUMENTS



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**Edited by
VALMIKI CHOUDHARY**



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PREFACE

The seventh volume of *Dr. Rajendra Prasad: Correspondence and Select Documents* deals with the period when India was at a crossroads. The pledge to achieve Independence of the country that the freedom fighters had taken under the banner of the Indian National Congress was redeemed on 15 August 1947. Despite Mahatma Gandhi's opposition, the Congress had to succumb to the British manoeuvre and agreed to the partition of the country to achieve this goal. Documents relating to this event form part of this volume.

The events leading to the transfer of power in 1947 were based on two announcements made by the British Government. The first of these was of 16 May 1946 in which the formation of a Constituent Assembly to formulate the constitution of free India was announced. The Congress accepted the scheme as far as the Constituent Assembly part was concerned but expressed its inability to accept some of the conditions laid down in the announcement about the functioning of the Assembly. The announcement of 16 May was as follows:

"1. On the 15th March last, just before the despatch of the Cabinet Mission to India, Mr. Attlee, the British Prime Minister, used these words:

My colleagues are going to India with the intention of using their utmost endeavours to help her to attain her freedom as speedily and fully as possible. What form of Government is to replace the present regime is for India to decide; but our desire is to help her to set up forthwith the machinery for making that decision. . . .

I hope that the Indian people may elect to remain within the British Commonwealth. I am certain that she will find great advantages in doing so. . . .

But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible.

"2. Charged in these historic words, we—the Cabinet Ministers and the Viceroy—have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the unity or division of India. After prolonged discussions in New Delhi we succeeded in bringing the Congress and the Muslim League together in conference at Simla. There was a full exchange of views and both parties were prepared to make considerable concessions in

order to try to reach a settlement, but it ultimately proved impossible to close the remainder of the gap between the parties and so no agreement could be concluded. Since no agreement has been reached, we feel that it is our duty to put forward what we consider are the best arrangements possible to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

"3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India, and an interim government may be set up at once to carry on the administration of British India until such time as a new constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people; and to recommend a solution which will lead to a practicable way of governing the India of the future, and will give a sound basis for defence and a good opportunity for progress in the social, political and economic fields.

"4. It is not intended in this statement to review the voluminous evidence which has been submitted to the Mission; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

"5. This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule. This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, and economic or other interests.

"6. We therefore examined in the first instance the question of a separate and fully independent sovereign state of Pakistan as claimed by the Muslim League. Such a Pakistan would comprise two areas: one in the North-West consisting of the provinces of the Punjab, Sind, North-West Frontier, and British Baluchistan; the other in the North-East consisting of the provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at a later stage, but insisted that the principle of Pakistan should first be acknowledged. The argument for a separate state of Pakistan was based, first upon the right of the Muslim majority to decide their method of government according to their wishes, and, secondly, upon the necessity to include substantial areas in which Muslims are in a minority, in order to make Pakistan administratively and economically workable.

"The size of the non-Muslim minorities in a Pakistan comprising the whole of the six provinces enumerated above would be very considerable as the following figures [from 1941 census] show:

	Muslim	Non-Muslim
North-Western Area:		
Punjab	16,217,242	12,201,577
North-West Frontier Province	2,788,797	249,270
Sind	3,208,325	1,326,683
British Baluchistan	438,930	62,701
	22,653,294	13,840,231
	(62.07%)	(37.93%)
North-Eastern Area:		
Bengal	33,005,434	27,301,091
Assam	3,442,479	6,762,254
	36,447,913	34,063,345
	(51.69%)	(48.31%)

"The Muslim minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million.

"These figures show that the setting up of a separate sovereign state of Pakistan on the lines claimed by the Muslim League would not solve the communal minority problem; nor can we see any justification for including within a sovereign Pakistan those districts of the Punjab and of Bengal and Assam in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan can equally, in our view, be used in favour of the exclusion of the non-Muslim areas from Pakistan. This point would particularly affect the position of the Sikhs.

"7. We, therefore, considered whether a smaller sovereign Pakistan confined to the Muslim majority areas alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (a) the whole of the Ambala and Jullundur divisions in the Punjab; (b) the whole of Assam except the district of Sylhet; and (c) a large part of Western Bengal, including Calcutta, in which city the percentage of the Muslim population is 23.6. We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs, leaving substantial bodies of Sikhs on both sides of the boundary. We have therefore been forced to the conclusion that neither a larger nor a smaller sovereign state of Pakistan would provide an acceptable solution for the communal problem.

"8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations. The whole of the

transportation and postal and telegraph systems of India have been established on the basis of a united India. To disintegrate them would gravely injure both parts of India. The case for a united Defence is even stronger. The Indian Armed Forces have been built up as a whole for the defence of India as a whole, and to break them in two would inflict a deadly blow on the long traditions and high degree of efficiency of the Indian Army and would entail the gravest dangers. The Indian Navy and Indian Air Force would become much less effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers in India and for a successful Defence in depth the area of Pakistan would be insufficient.

"9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

"10. Finally, there is the geographical fact that the two halves of the proposed Pakistan state are separated by some seven hundred miles and the communications between them both in war and peace would be dependent on the goodwill of Hindustan.

"11. We are therefore unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign states.

"12. This decision does not, however, blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element. To meet this the Congress have put forward a scheme under which provinces would have full autonomy subject only to a minimum of central subjects, such as foreign affairs, defence and communications.

"Under this scheme provinces, if they wished to take part in economic and administrative planning on a large scale, could cede to the centre optional subjects in addition to the compulsory ones mentioned above.

"13. Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a central executive and legislature in which some ministers, who dealt with compulsory subjects, were responsible to the whole of India while other ministers, who dealt with optional subjects, would be responsible only to those provinces who had elected to act together in respect of such subjects. This difficulty would be accentuated in the central legislature, where it would be necessary to exclude certain members from speaking and voting when subjects with which their provinces were not concerned were under discussion. Apart from the difficulty of working such a scheme, we do not consider that it would be fair to deny to other provinces, which did not desire to take the optional subjects at the centre, the right to form themselves into a group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

"14. Before putting forward our recommendations we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the

attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new government. This fact has been fully recognised by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to cooperate in the new development of India. The precise form which their cooperation will take must be a matter for negotiation during the building up of the new constitutional structure and it by no means follows that it will be identical for all the States. We have not therefore dealt with the States in the same detail as the provinces of British India in the paragraphs which follow.

“15. We now indicate the nature of a solution which in our view would be just to the essential claims of all parties and would at the same time be most likely to bring about a stable and practicable form of constitution for All-India. We recommend that the constitution should take the following basic form:

- (1) There should be a Union of India, embracing both British India and the States which should deal with the following subjects: foreign affairs, defence, and communications; and should have the powers necessary to raise the finances required for the above subjects.
- (2) The Union should have an executive and a legislature constituted from British Indian and States representatives. Any question raising a major communal issue in the legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.
- (3) All subjects other than the Union subjects and all residuary powers should vest in the provinces.
- (4) The States will retain all subjects and powers other than those ceded to the Union.
- (5) Provinces should be free to form groups with executives and legislatures and each group could determine the provincial subjects to be taken in common.
- (6) The constitution of the Union and of the groups should contain a provision whereby any province could by a majority vote of its legislative assembly call for a reconsideration of the terms of the constitution after an initial period of ten years and at ten-yearly intervals thereafter.

“16. It is not our object to lay out the details of a constitution on the above programme but to set in motion machinery whereby a constitution can be settled by Indians for Indians.

“It has been necessary, however, for us to make the recommendation as to the broad basis of the future constitution because it became clear to us in the course of our negotiations that not until that had been done was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery.

“17. We now indicate the constitution-making machinery which we propose should be brought into being forthwith in order to enable a new constitution to be worked out.

“18. In forming any assembly to decide a new constitutional structure the first problem is to obtain as broad-based and accurate a representation of the whole population as is possible. The most satisfactory method obviously would be by election based on adult franchise, but any attempt to introduce such a step now would lead to a wholly unacceptable delay in the formulation of the new constitution. The only practicable course is to utilise the recently elected Provincial Legislative Assemblies as electing bodies. There are, however, two factors in their composition which make this difficult. First, the numerical strengths of Provincial Legislative Assemblies do not bear the same proportion to the total population in each province. Thus, Assam, with a population of 10 million, has a Legislative Assembly of 108 members, while Bengal, with a population six times as large, has an Assembly of only 250. Secondly, owing to the weightage given to minorities by the Communal Award, the strengths of several communities in each Provincial Legislative Assembly are not in proportion to their numbers in the province. Thus the number of seats reserved for Muslims in the Bengal Legislative Assembly is only 48 per cent of the total, although they form 55 per cent of the provincial population. After a most careful consideration of the various methods by which these points might be corrected, we have come to the conclusion that the fairest and most practicable plan would be

- (a) to allot to each province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage;
- (b) to divide this provincial allocation of seats between the main communities in each province in proportion to their population;
- (c) to provide that the representatives allocated to each community in a province shall be elected by members of that community in its Legislative Assembly.

“We think that for these purposes it is sufficient to recognise only three main communities in India, General, Muslim and Sikh, the “General” community including all persons who are not Muslims or Sikhs. As smaller minorities would upon a population basis have little or no representation, since they would lose the weightage which assures them seats in Provincial Legislatures, we have made the arrangements set out in paragraph 20 below to give them a full representation upon all matters of special interest to minorities.

“19. (i) We therefore propose that there shall be elected by each Provincial Legislative Assembly the following numbers of representatives, each part of the Legislative Assembly (General, Muslim or Sikh) electing its own representatives by the method of proportional representation with single transferable vote:

TABLE OF REPRESENTATION

Section A

Province	General	Muslim	Total
Madras	45	4	49
Bombay	19	2	21
United Provinces	47	8	55
Bihar	31	5	36
Central Provinces	16	1	17
Orissa	9	0	9
Total	<u>167</u>	<u>20</u>	<u>187</u>

Section B

Province	General	Muslim	Sikh	Total
Punjab	8	16	4	28
North-West Frontier Province	0	3	0	3
Sind	1	3	0	4
Total	<u>9</u>	<u>22</u>	<u>4</u>	<u>35</u>

Section C

Province	General	Muslim	Total
Bengal	27	33	60
Assam	7	3	10
Total	<u>34</u>	<u>36</u>	<u>70</u>
Total for British India			292
Maximum for Indian States			<u>93</u>
Total			385

NOTE. In order to represent the Chief Commissioners' Provinces there will be added to Section A the member representing Delhi in the Central Legislative Assembly, the member representing Ajmer-Merwara in the Central Legislative Assembly, and a representative to be elected by the Coorg Legislative Council. To section B will be added a representative of British Baluchistan.

“(ii) It is the intention that the States would be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculation of population adopted for British India, exceed 93; but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a negotiating committee.

“(iii) Representatives thus chosen shall meet at New Delhi as soon as possible.

“(iv) A preliminary meeting will be held at which the general order of business will be decided, a chairman and other officers elected, and an Advisory Committee (see paragraph 20 below) on rights of citizens, minorities and tribal and excluded areas set up. Thereafter the provincial representatives will divide up into three sections shown under A, B and C in the Table of Representation in sub-paragraph (i) of this paragraph.

“(v) These sections shall proceed to settle provincial constitutions for the provinces included in each section and shall also decide whether any group constitution shall be set up for those provinces and if so with what provincial subjects the group should deal. Provinces should have power to opt out of groups in accordance with the provisions of sub-clause (viii) below.

“(vi) The representatives of the sections and the Indian States shall reassemble for the purpose of settling the Union constitution.

“(vii) In the Union Constituent Assembly resolution varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of the representatives present and voting of each of the two major communities. The Chairman of the Assembly shall decide which, if any, resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.

“(viii) As soon as the new constitutional arrangements have come into operation it shall be open to any province to elect to come out of any group in which it has been placed. Such a decision shall be taken by the legislature of the province after the first general election under the new constitution.

“20. The Advisory Committee on the rights of citizens, minorities and tribal and excluded areas will contain due representation of the interests affected and their function will be to report to the Union Constituent Assembly upon the list of fundamental rights, clauses for protecting minorities, and a scheme for the administration of tribal and excluded areas, and to advise whether these rights should be incorporated in the provincial, the group or the Union constitutions.

“21. His Excellency the Viceroy will forthwith request the provincial legislatures to proceed with the election of their representatives and the States to set up a negotiating committee.

“It is hoped that the process of constitution-making can proceed as rapidly as the complexities of the task permit so that the interim period may be as short as possible.

“22. It will be necessary to negotiate a treaty between the Union Constituent Assembly and the United Kingdom to provide for certain matters arising out of

the transfer of power.

"23. While the constitution-making proceeds the administration of India has to be carried on. We attach the greatest importance therefore to the setting up at once of an interim government having the support of the major political parties. It is essential during the interim period that there should be the maximum of cooperation in carrying through the difficult tasks that face the Government of India. Besides the heavy tasks of day-to-day administration, there is the grave danger of famine to be countered, there are decisions to be taken in many matters of post-war development which will have a far-reaching effect on India's future and there are important international conferences in which India has to be represented. For all these purposes a government having popular support is necessary. The Viceroy has already started discussions to this end and hopes soon to form an interim government in which all the portfolios, including that of War Member, will be held by Indian leaders having the full confidence of the people. The British Government, recognising the significance of the changes, will give the fullest measure of cooperation to the government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

"24. To the leaders and people of India, who now have the opportunity of complete independence, we would finally say this. We and our Government and countrymen hoped that it would be possible for the Indian people themselves to agree upon the method of framing the new Constitution under which they will live. Despite the labours which we have shared with the Indian parties and the exercise of much patience and goodwill by all, this has not been possible. We, therefore, now lay before you proposals which, after listening to all sides and after much earnest thought, we trust will enable you to attain your independence in the shortest time and with the least danger of internal disturbance and conflict. These proposals may not, of course, completely satisfy all parties, but you will recognise with us that, at this supreme moment in Indian history, statesmanship demands mutual accommodation and we ask you to consider the alternative to the acceptance of these proposals. After all the efforts which we and the Indian parties have made together for agreement, we must state that, in our view, there is small hope of a peaceful settlement by the agreement of the Indian parties alone. The alternative would, therefore, be a grave danger of violence, chaos and even civil war. The gravity and duration of such a disturbance cannot be foreseen, but it is certain that it would be a terrible disaster for many millions of men, women and children. This is a possibility which must be regarded with equal abhorrence by the Indian people, our own countrymen and the world as a whole. We therefore lay these proposals before you in the profound hope that they will be accepted and operated by you in the spirit of accommodation and goodwill in which they are offered. We appeal to all who have the future good of India at heart to extend their vision beyond their own community or interest to the interests of the whole 400 millions of Indian people.

"We hope that the new independent India may choose to be a member of the

British Commonwealth. We hope, in any event, that you will remain in close and friendly association with our people. But these are matters for your own free choice. Whatever that choice may be, we look forward with you to your ever-increasing prosperity among the greatest nations of the world and to a future even more glorious than your past."

Some time after this announcement of 16 May 1946, the Viceroy announced the proposal for the formation of a National Government consisting of the representatives of the Congress and the Muslim League as also the representatives of the Sikh and Christian communities. The Congress accepted the proposal but the Muslim League expressed its inability to do so unless it alone was allowed to nominate all the Muslims in the Government to be formed. As a result the Congress alone formed the Government. The Viceroy however persuaded the Muslim League to join the Government. This became the very reason that led to the partition of the country as the Muslim League had joined the Government without any agreement or understanding with the Congress, and refused to accept the principle of joint responsibility in the Government.

The Constituent Assembly met on December 9, 1946. The announcement of May 16, 1946 had stipulated that the Constituent Assembly will meet in three separate groups and the groups will decide whether they would formulate a separate constitution for each group or they all will come together to frame a single constitution for the whole of India. The Muslim League refused to join the Constituent Assembly.

Dr. Rajendra Prasad was elected President of the Constituent Assembly. The speech that he delivered on his election as President shows him as a person of great political and legal acumen, endowed with insights into constitutional matters. Speaking about the prime position of the Constituent Assembly, he said:

I just want to say a few words in English for the benefit of those of you who have not been able to follow my speech in Hindi. Hon'ble Members will not consider it ungracious on my part if I tell them that at the present moment I feel more overwhelmed by a sense of the burden of responsibility which they have placed on my shoulders than by a sense of elation for the great honour which they have conferred upon me. I realise that the greatest honour which an Assembly like this could confer on any Indian, you have been pleased to confer on me, and I am not using merely the language of convention when I say that I appreciate it greatly and I am grateful to you for it.

I know the difficulties which I shall have to face in the discharge of the heavy responsibilities which I have undertaken[at] your behest. I know the work of the Constituent Assembly is beset with various kinds of obstacles, but I know too that in the discharge of my duties, I count upon your unstinted support and the same kind of generosity which you have exhibited in electing me to this high honour. Our Constituent Assembly is meeting in difficult circumstances. We see signs of strife in many places in this

unfortunate land. But other countries too, when they elected their constituent assemblies and asked them to frame a constitution for them, were faced with similar difficulties. We can take comfort in the fact that in spite of those difficulties, in spite of the differences in viewpoints which exhibited themselves with vigour, sometimes with trouble and turmoil, the assemblies were able, in spite of them, to frame constitutions which were acceptable to the people at large and which have become in course of time an invaluable heritage for the people in those lands. There is no reason why we also should not succeed similarly. All that we need is honesty of purpose, firmness of determination, a desire to understand each other's viewpoint, that we shall do justice, that we shall behave as fairly, as squarely as possible towards everyone else and with that determination, with that resolve, I cannot see why we should not be able to overcome the obstacles in our way. I am aware that this Constituent Assembly has been born with certain limitations placed on it from its very birth. We may not forget, disregard or ignore those limitations in the course of our proceedings and in arriving at our decisions. But I know too that in spite of those limitations the Assembly is a self-governing, self-determining, independent body with the proceedings of which no outside authority can interfere, and the decisions of which no one else outside it can upset or alter or modify. Indeed it is in the power of this Constituent Assembly to get rid of and to demolish the limitations which have been attached to it at its birth and I hope you, Ladies and Gentlemen, who have come here for framing a constitution for an independent and free India, will be able to get rid of those limitations and to place before the world a model of a constitution that will satisfy all our people, all groups, all communities, all religions inhabiting this vast land, and which will ensure to everyone freedom of action, freedom of thought, freedom of belief and freedom of worship, which will guarantee to everyone opportunities for rising to his highest, and which will guarantee to everyone freedom in all respects.

I hope and trust that this Constituent Assembly will in course of time be able to develop strength as all such assemblies have done. When an organisation like this sets on its work it gathers momentum, and as it goes along it is able to gather strength which can conquer all difficulties and which can subdue the most formidable obstacles in its path. Let me pray and hope that our Assembly too will gather more and more strength as it goes along.

It is a most regrettable thing that I find many seats unoccupied today in this Assembly. I am hoping that our friends of the Muslim League will soon come to occupy these places and will be glad and happy to participate in this great work of creating a constitution for our people, creating a constitution which according to the experience of all other nations of the world, which according to our own experience, and which according to our own traditions and our own peculiar conditions, will guarantee to every-

one all that can be guaranteed, all that need be guaranteed and all that require to be guaranteed, and will not leave any room for any complaint from any side. I am hoping also that you all will do your best to achieve this great objective.

Above all, what we need is freedom and, as someone has said, "Nothing is more valuable than the freedom to be free. Let us hope and pray that as a result of the labours of this Constituent Assembly we shall have achieved that freedom and we shall be proud of it.

Although Dr. Prasad was only the presiding officer of the Constituent Assembly, he handled and settled many a knotty problem and many a difficult question as an elder statesman, showing great determination and courage of conviction. He conducted the proceedings of the Assembly with great insight, knowledge, wisdom and ready solutions. All this cannot be covered in this volume but will form part of the last volume of the series.

This volume also contains some important and interesting documents which throw light on Dr. Rajendra Prasad's strict adherence to moral principles. Rajendra Babu would never compromise his ideals. He brought ample honour to the posts he occupied in his public life.

Before being elected as President of India, he was President of the Constituent Assembly. That was a very important office because the Assembly had a historic role set for itself. It is generally convened only once during the life of a nation. The Constituent Assembly over which he presided gave us our Sovereign Democratic Republic and laid the foundation of modern India.

After India became independent on the 15th of August 1947, the Constituent Assembly had to function as the Central law-making body also. At that time Dr. Rajendra Prasad was serving as Minister for Food and Agriculture in the Central Ministry. He felt that it would not be appropriate for a Minister to serve as the presiding officer of the Dominion Legislative Assembly. He proposed that the Constituent Assembly should form a Committee to suggest a way out. The Committee in its report opined that it would be "constitutionally inappropriate" for the person presiding over the Constituent Assembly, when it is functioning as the Dominion Legislature, to be also a member of the Dominion Government (p. 291).

Accordingly, Shri G.V. Mavalankar was elected as Speaker of the Dominion Legislature. Later it came to the notice of Dr. Rajendra Prasad that certain appointments had been made in the Assembly Secretariat without his knowledge. He thought this to be undesirable and wrote to the Secretary, Constituent Assembly (Legislative), asking him to furnish a list of such appointments. The Secretary sent a note to him which was not in compliance with his direction. Dr. Rajendra Prasad passed a second order asking him to submit the list without delay. It appears that Shri G.V. Mavalankar took exception to this and wrote to Dr. Rajendra Prasad that the communication to the Secretary should have been routed through him. Dr. Rajendra Prasad was an

astute lawyer; he pointed out to Sri Mavalankar that the Constituent Assembly had accepted the recommendation of the Committee, headed by Shri Mavalankar himself, that "though transacting two kinds of business, the Assembly is one and can have only one President who is the supreme head of it both on its deliberative side and on its administrative side". This quotation had its intended effect and Dr. Rajendra Prasad's order was obeyed.

But it appears there occurred other incidents which he considered derogatory to the office of the President of the Constituent Assembly. In the meantime, in November 1947 he succeeded Acharya J.B. Kripalani as President of the Congress. On being elected Dr. Rajendra Prasad immediately tendered his resignation as Minister. Owing to certain pending policy decisions the Prime Minister could not accept it forthwith and requested him to continue for some time.

It appears that certain persons in the Government wanted to undermine his position. Dr. Rajendra Prasad therefore felt that in order to keep the dignity of his office he ought to resign from the Presidentship of the Constituent Assembly. He wrote a note to that effect in which he mentioned, "There is no question of personal right or dignity. That we have deliberately laid aside during the long career of the Congress. As your first President, I wish to be and remain, whilst you keep me in this exalted position, a jealous guardian of the honour and prestige of this democratic body." He showed the note to Mahatma Gandhi. Gandhiji was observing silence on that day, so he corrected the note with his own hand. (The note has been reproduced in this volume.) Gandhiji advised him that, having entered public life, he must learn how to swallow poison and yet carry on the burden that the country had thrown on his shoulders. On Gandhiji's advice Dr. Rajendra Prasad did not press the matter further. He mentions this, in his own inimitable way, in his book *At the Feet of Mahatma Gandhi* (pp. 340-41).

The arrangement of the correspondence and other documents in this volume follows the same pattern as in the preceding volumes: "Correspondence—Part I" includes letters written by or written to Dr. Rajendra Prasad, while "Correspondence—Part II" contains letters exchanged between others, copies of which were sent to him for information, advice and action. Other miscellaneous documents of contemporary importance have been given in "Appendices—Part I" and "Appendices—Part II".

I am extremely grateful to the President, Gyani Zail Singh, for writing a Foreword to this volume, despite heavy demands on his precious time.

I also wish to place on record my thanks to Dr. Hari Dev Sharma and Shri Brijkishore Sharma for their unstinted support and advice, and to the National Archives of India for their help in verifying the records.

VALMIKI CHOUDHARY

CONTENTS

Foreword

v

Preface

vii

CORRESPONDENCE—PART I

1. From Mahatma Gandhi	8 January 1947	3
2. From Y.G. Krishnamurti	8 January 1947	3
3. To Sri Krishna Sinha	10 January 1947	4
4. To Dr. Sachchidananda Sinha	10 January 1947	4
5. To Y.G. Krishnamurti	13 January 1947	5
6. From Dr. Sachchidananda Sinha	14 January 1947	6
7. To Dr. Sachchidananda Sinha	18 January 1947	7
8. To P.N. Bannerji	18 January 1947	8
9. From Dr. Sachchidananda Sinha	24 January 1947	8
10. To J.B. Kripalani	26 January 1947	11
11. From Lord Wavell	26 January 1947	11
12. To Vallabhbhai Patel	28 January 1947	12
13. From Vallabhbhai Patel	31 January 1947	13
14. To Vijayalakshmi Pandit	5 February 1947	14
15. From Dr. Sachchidananda Sinha	5 February 1947	15
16. To Dr. Sachchidananda Sinha	8 February 1947	16
17. From Dr. Sachchidananda Sinha	14 February 1947	18
18. To Jawaharlal Nehru	18 February 1947	19
19. From Vallabhbhai Patel	19 February 1947	27
20. From Dr. Sachchidananda Sinha	20 February 1947	27
21. From M.S.M. Sharma	28 February 1947	28
22. From G.E.B. Abell	3 March 1947	29
23. From Dr. Sachchidananda Sinha	14 March 1947	29
24. To Murli Manohar Prasad	17 March 1947	30
25. From Sudhir Ghosh	18 March 1947	31
26. To Vallabhbhai Patel	21 March 1947	31
27. From Vallabhbhai Patel	22 March 1947	32
28. To J.B. Kripalani	23 March 1947	32
29. To C. Rajagopalachari	2 April 1947	33
30. From Purushottamdas Gaiha	10 April 1947	34
31. To Lord Mountbatten	18 April 1947	35
32. From Lord Mountbatten	22 April 1947	36

33. From Lord Mountbatten	24 April 1947	36
34. From Dr. E. Stanley Jones	1 May 1947	37
35. From Dr. M.N. Saha	4 May 1947	38
36. To Dr. M.N. Saha	5 May 1947	39
37. To Dr. E. Stanley Jones	6 May 1947	40
38. From Sir B.N. Rau	9 May 1947	41
39. To Sir B.N. Rau	16 May 1947	41
40. From Lady Abala Bose	17 May 1947	42
41. From the Maharana of Udaipur	20 May 1947	43
42. From K.M. Munshi	20 May 1947	43
43. To the Maharana of Udaipur and K.M. Munshi	22 May 1947	44
44. To Lady Abala Bose	22 May 1947	44
45. From Alan Campbell-Johnson	27 May 1947	45
46. To Satis Chandra Mukherji	5 June 1947	45
47. To Dr. Sachchidananda Sinha	5 June 1947	46
48. From Dr. Sachchidananda Sinha	8 June 1947	48
49. To Dr. Sachchidananda Sinha	11 June 1947	49
50. From H.M. Patel	11 June 1947	50
51. From Satis Chandra Mukherji	14 June 1947	53
52. From Dr. Sachchidananda Sinha	15 June 1947	54
53. From Shiam Kumar Acharya	18 June 1947	55
54. From the Private Secretary to the Viceroy	20 June 1947	56
55. To the Private Secretary to the Viceroy	21 June 1947	57
56. From H.M. Patel	24 June 1947	57
57. From Jawaharlal Nehru	25 June 1947	58
58. From Dr. M.N. Saha	25 June 1947	60
59. From Sir B.N. Rau	26 June 1947	61
60. To Dr. Sachchidananda Sinha	26 June 1947	62
61. From V. Narahari Rao	27 June 1947	63
62. From Dr. N.B. Khare	2 July 1947	64
63. From Jawaharlal Nehru	5 July 1947	65
64. To Satis Chandra Mukherji	5 July 1947	67
65. From Vallabhbhai Patel	7 July 1947	67
66. From Dr. Syama Prasad Mookerjee	7 July 1947	69
67. From Lord Mountbatten	7 July 1947	70
68. From Dr. Sachchidananda Sinha	9 July 1947	70
69. To H.M. Patel	11 July 1947	72
70. To Dr. John Matthai	11 July 1947	72
71. To Abul Kalam Azad	11 July 1947	73
72. From Dr. John Matthai	12 July 1947	73
73. From H.M. Patel	12 July 1947	74

74. To N.R. Sarkar	13 July 1947	74
75. From H.M. Patel	15 July 1947	75
76. From H.M. Patel	17 July 1947	76
77. From P.K. Naik	23 July 1947	81
78. From V.V. Bapat	23 July 1947	82
79. To Jawaharlal Nehru	27 July 1947	83
80. From Jawaharlal Nehru	27 July 1947	84
81. To C.H. Bhabha	30 July 1947	84
82. From B. Narasinga Rao	31 July 1947	85
83. From H.C. Sarin	3 August 1947	86
84. From Jawaharlal Nehru	4 August 1947	87
85. From S.B. Talekar	4 August 1947	88
86. From Jawaharlal Nehru	4 August 1947	88
87. From Narayan Mahtha	7 August 1947	89
88. From Nirmal Sanyal	7 August 1947	90
89. To Jawaharlal Nehru	7 August 1947	91
90. From Baldev Sahai	11 August 1947	92
91. From the Honorary Secretary, Hindustani Prachar Sabha	11 August 1947	93
92. To H.M. Patel	13 August 1947	95
93. From Lord Mountbatten	14 August 1947	95
94. From Jawaharlal Nehru	15 August 1947	96
95. To Lord Mountbatten	15 August 1947	97
96. From Dr. Sachchidananda Sinha	15 August 1947	98
97. From H.M. Patel	21 August 1947	99
98. To H.M. Patel	22 August 1947	101
99. From Dr. Sachchidananda Sinha	22 August 1947	102
100. To Dr. Sachchidananda Sinha	22 August 1947	105
101. To Dr. Sachchidananda Sinha	24 August 1947	106
102. To Sir B.L. Mitter	28 August 1947	107
103. To M.A. Sreenivasan	28 August 1947	107
104. To Suresh Chandra Majumdar	28 August 1947	108
105. To Sankarrao Deo	28 August 1947	108
106. From Sir B.L. Mitter	30 August 1947	109
107. From C. Rajagopalachari	30 August 1947	109
108. From Dr. Sachchidananda Sinha	2 September 1947	110
109. From Bhagat Singh	4 September 1947	111
110. To Vallabhbhai Patel	5 September 1947	112
111. From Vallabhbhai Patel	5 September 1947	113
112. To Vallabhbhai Patel	9 September 1947	115
113. From C. Rajagopalachari	9 September 1947	116
114. To Jawaharlal Nehru	10 September 1947	117
115. To Vallabhbhai Patel	10 September 1947	118
116. From Vallabhbhai Patel	12 September 1947	119

117. From Dr. Sachchidananda Sinha	16 September 1947	120
118. To Jawaharlal Nehru	17 September 1947	121
119. From Jawaharlal Nehru	17 September 1947	123
120. To Jawaharlal Nehru	22 September 1947	125
121. From Jawaharlal Nehru	22 September 1947	126
122. To Dr. Sachchidananda Sinha	23 September 1947	127
123. From Jawaharlal Nehru	25 September 1947	129
124. To Vallabhbhai Patel	29 September 1947	130
125. From Sir B.N. Rau	11 October 1947	131
126. To Sir B.N. Rau	13 October 1947	131
127. To Dr. Sachchidananda Sinha	14 October 1947	132
128. From Jawaharlal Nehru	15 October 1947	133
129. To Dr. P.C. Ghosh	16 October 1947	133
130. To the Secretary to the Constituent Assembly of India	23 October 1947	134
131. To Sir V.T. Krishnamachari	23 October 1947	134
132. To Jawaharlal Nehru	6 November 1947	135
133. From Jawaharlal Nehru	8 November 1947	136
134. To Jawaharlal Nehru	8 November 1947	136
135. To Jawaharlal Nehru	10 November 1947	137
136. To Jawaharlal Nehru	13 November 1947	138
137. To Jawaharlal Nehru	18 November 1947	138
138. To Dr. Sachchidananda Sinha	21 November 1947	139
139. From Jawaharlal Nehru	22 November 1947	139
140. From Jawaharlal Nehru	24 November 1947	140
141. From J.B. Kripalani	26 November 1947	146
142. To J.B. Kripalani	28 November 1947	147
143. To Jawaharlal Nehru	29 November 1947	148
144. To Vallabhbhai Patel	29 November 1947	148
145. From G.V. Mavalankar	29 November 1947	149
146. To G.V. Mavalankar	29 November 1947	149
147. From G.V. Mavalankar	29 November 1947	150
148. To G.V. Mavalankar	29 November 1947	151
149. To Dr. P.C. Ghosh	30 November 1947	151
150. From Vallabhbhai Patel	1 December 1947	152
151. From Jawaharlal Nehru	3 December 1947	154
152. From Dr. Sachchidananda Sinha	3 December 1947	156
153. From Dr. K.N. Katju	3 December 1947	157
154. To Dr. K.N. Katju	7 December 1947	158
155. From the President, Malayan Indian Congress	13 December 1947	159
156. To Jawaharlal Nehru	15 December 1947	161
157. From Dr. Gopichand Bhargava	22 December 1947	162
158. From R.S. Shukla	28 December 1947	163

159. To Jawaharlal Nehru	31 December 1947	163
--------------------------	------------------	-----

CORRESPONDENCE--PART II

1. From Vallabhbhai Patel to Sri Krishna Sinha	11 January 1947	169
2. From H.V.R. Iengar to all members of the Union Powers Committee and the Order of Business Committee	29 January 1947	170
3. From Vallabhbhai Patel to Sri Krishna Sinha	2 February 1947	170
4. From Jawaharlal Nehru to Lord Wavell	5 February 1947	171
5. From Sadik Ali to all members of the Congress Working Committee	11 February 1947	173
6. From Vallabhbhai Patel to Sri Krishna Sinha	13 February 1947	173
7. From H.V.R. Iengar to all members of the Union Powers Committee	17 February 1947	174
8. From Sri Krishna Sinha to Vallabhbhai Patel	18 February 1947	175
9. From C. Rajagopalachari to Vallabhbhai Patel	19 February 1947	175
10. From H.V.R. Iengar to the Secretary, Central Sikh Rights Secretariat	27 February 1947	175
11. From Sadik Ali to all Provincial Congress Committees	3 March 1947	176
12. From Vallabhbhai Patel to Sri Krishna Sinha	9 March 1947	177
13. From Vallabhbhai Patel to Sri Krishna Sinha	21 March 1947	177
14. From H.V.R. Iengar to all members of the Union Powers Committee	28 March 1947	178
15. From Sankarrao Deo to all Provincial Congress Committees	22 April 1947	179
16. From Jawaharlal Nehru to J.B. Kripalani	2 May 1947	180
17. From Vallabhbhai Patel to Sri Krishna Sinha	8 May 1947	180
18. From Vallabhbhai Patel to Sri Krishna Sinha	9 May 1947	182
19. From Sri Krishna Sinha to Vallabhbhai Patel	11 May 1947	182
20. From Sri Krishna Sinha to Vallabhbhai Patel	20 May 1947	186

21. From Jagjivan Ram to Dr. Sachchidananda Sinha	20 May 1947	186
22. From Vallabhbhai Patel to Sri Krishna Sinha	21 May 1947	187
23. From H.M. Patel to the Members of the Cabinet	6 June 1947	187
24. From H.M. Patel to the Members of the Cabinet	14 June 1947	191
25. From Vallabhbhai Patel to Sri Krishna Sinha	18 June 1947	194
26. From A. Hilaly to all Chief Secretaries of Provincial Governments, all Secretaries of Departments of the Government of India, and all Chief Commissioners	21 June 1947	195
27. From A. Hilaly to all Officers of the Secretary of State's Services	21 June 1947	196
28. From H.V.R. Iengar to all members of the Constituent Assembly	23 June 1947	197
29. From Ramesh Chandra Bhargava to the Editors of the <i>Amrita Bazar Patrika</i> , <i>The National Herald</i> , and the <i>Pioneer</i>	25 June 1947	199
30. From H.M. Patel to the Members of the Cabinet	25 June 1947	200
31. From Vallabhbhai Patel to Sri Krishna Sinha	27 June 1947	201
32. From H.M. Patel to the Members of the Cabinet	29 June 1947	202
33. From Mahatma Gandhi to Mathuradas Trikumji	2 July 1947	209
34. From Mahatma Gandhi to Datar Singh	13 July 1947	210
35. From H.V.R. Iengar to all members of the Ad Hoc Committee on National Flag	16 July 1947	210
36. From N. Baksi to Sri Krishna Sinha	30 July 1947	211
37. From Sankarrao Deo to all Provincial Congress Committees	1 August 1947	212
38. From Jawaharlal Nehru to Vallabhbhai Patel	4 August 1947	213
39. From Dr. P. Subbarayan to Vallabhbhai Patel	22 September 1947	213
40. From Vallabhbhai Patel to Sri Krishna Sinha	25 September 1947	216
41. From Vallabhbhai Patel to Jairamdas Doulatram	25 September 1947	217

42. From Vallabhbhai Patel to Dr. P. Subbarayan	2 October 1947	218
43. From Vallabhbhai Patel to Sri Krishna Sinha	12 October 1947	218
44. From Vallabhbhai Patel to Sri Krishna Sinha and Jairamdas Doulatram	12 October 1947	218
45. From Jairamdas Doulatram to Vallabhbhai Patel	12 October 1947	219
46. From H.V.R. Iengar to Vishnu Sahay	13 October 1947	219
47. From Sri Krishna Sinha to Vallabhbhai Patel	14 October 1947	220
48. From R.R. Prasad to the Superintendent of Police, Dhanbad	23 October 1947	220
49. From Jairamdas Doulatram to Vallabhbhai Patel	26 October 1947	221
50. From Vallabhbhai Patel to Jairamdas Doulatram	2 November 1947	222
51. From Vallabhbhai Patel to Sri Krishna Sinha	2 November 1947	222
52. From Jairamdas Doulatram to Vallabhbhai Patel	6 November 1947	223
53. From R.S. Shukla to J.B. Kripalani	7 November 1947	223
54. From Dr. B.R. Ambedkar to Jawaharlal Nehru	9 November 1947	226
55. From Sri Krishna Sinha to Vallabhbhai Patel	12 November 1947	226
56. From Sri Krishna Sinha to Vallabhbhai Patel	18 November 1947	227
57. From Vallabhbhai Patel to Sri Krishna Sinha	19 November 1947	227
58. From Jairamdas Doulatram to Vallabhbhai Patel	23 November 1947	227
59. From Vallabhbhai Patel to Jairamdas Doulatram	24 November 1947	228
60. From Sri Krishna Sinha to Vallabhbhai Patel	24 November 1947	228
61. From Vallabhbhai Patel to Jairamdas Doulatram	25 November 1947	229
62. From Vallabhbhai Patel to Jairamdas Doulatram	29 November 1947	230
63. From Jairamdas Doulatram to Vallabhbhai Patel	6 December 1947	230
64. From Jawaharlal Nehru to Vallabhbhai Patel	14 December 1947	231

65. From the Chief Secretary, Bihar, to the Prime Minister/Home Minister	15 December 1947	231
66. From the Ministry of Home Affairs to the Chief Secretary, Bihar	16 December 1947	232
67. From Jairamdas Doulatram to Vallabhbhai Patel	23 December 1947	232
68. From Sri Krishna Sinha to Vallabhbhai Patel	24 December 1947	233
69. From Vallabhbhai Patel to Sri Krishna Sinha	27 December 1947	233
70. From R.S. Shukla to Vallabhbhai Patel	28 December 1947	233

APPENDICES- PART I

1. Rajagopalachari's resolution setting up the Union Powers Committee as adopted by the Constituent Assembly of India on the 25th January 1947	237
2. Excerpt from a Government of India file dated 30 January 1947	238
3. Speech delivered by Dr. Rajendra Prasad while opening the Sixth All-India Cattle Show in Delhi on 10 February 1947	238
4. Proceedings of a meeting of the Union Powers Committee held on 2nd, 3rd and 4th March 1947	248
5. Interview given by Mahatma Gandhi to Dr. Rajendra Prasad at Patna on 5 March 1947	251
6. Mahatma Gandhi's discussion with Dr. Rajendra Prasad and Bihar Ministers on 5 March 1947	251
7. Speech by Mahatma Gandhi at a prayer meeting at Patna on 5 March 1947	252
8. A note by Sir B.N. Rau, dated 9 March 1947	254
9. Mahatma Gandhi's discussion with Congress workers at Bir on 19 March 1947	258
10. Speech by Mahatma Gandhi at a prayer meeting at Goriakharhi on 19 March 1947	260
11. Speech by Mahatma Gandhi at a prayer meeting at Patna on 29 March 1947	261
12. Speech of welcome by D.R. Naik, President, Maharashtra Chamber of Commerce, on the occasion of the visit of Dr. Rajendra Prasad, Food Member, Government of India, on Monday the 14th April 1947	262
13. Draft Report of the Union Powers Committee to the Constituent Assembly of India	265
14. Mahatma Gandhi's talk with Bihar Ministers on 19 April 1947	270
15. Report submitted by the Ad Hoc Committee on Supreme Court (set up on 21 April 1947)	271

16. Interim Report of the Advisory Committee on the subject of Fundamental Rights	275
17. Mahatma Gandhi's talk with Bihar Ministers on 24 April 1947	282
18. An excerpt from the proceedings of the Constituent Assembly of India on Monday, the 28th April 1947	283
19. Mahatma Gandhi's talk with Dr. Rajendra Prasad at Bhangi Nivas, New Delhi, on 2 May 1947	285
20. A talk by Mahatma Gandhi at Bhangi Nivas, New Delhi, on 4 May 1947	285
21. Presidential Address of Dr. Rajendra Prasad at the Fifteenth Conference of Registrars of Cooperative Societies at Madras on 12 May 1947	287
22. Address of Dr. Rajendra Prasad, Member for Food and Agriculture, at the opening of the International Rice Study Group, on the 16th of May 1947, at Trivandrum	293
23. Speech by Mahatma Gandhi at a prayer meeting in New Delhi on 28 May 1947	295
24. Gandhiji's discussion with Dr. Rajendra Prasad on 4 June 1947	298
25. Gandhiji's discussion with Dr. Rajendra Prasad on 6 June 1947	299
26. Proceedings of a meeting of the Cabinet held on Friday, the 6th June 1947	299
27. Gandhiji's talk with Dr. Rajendra Prasad on 10 June 1947	302
28. Speech by Mahatma Gandhi at a meeting of the All India Congress Committee held in New Delhi on 14 June 1947	303
29. Gandhiji's talk with Dr. Rajendra Prasad and others at New Delhi on 22 June 1947	305
30. Commander-in-Chief's paper No. 4:47 of 23 June 1947	306
31. Corrigendum No. 1 to Partition Office Memorandum No. 14/P.O./1054, dated 18th June 1947 (as printed on 23rd June 1947)	308
32. A note by V.T. Krishnamachari on Union Finance in relation to States	310
33. A note by Sir N. Gopalaswami Ayyangar on the Report of the Union Powers Committee	311
34. Draft Press Statement by the Viceroy (as prepared by A.K. Chanda)	314
35. Points suggested for discussion at the National Flag Committee meeting on 10th July 1947 at 8 p.m. in Council House, New Delhi	318
36. Minutes of the first meeting of the Ad Hoc Committee on the National Flag held on Wednesday, 10th July 1947	319
37. Speech by Mahatma Gandhi at a prayer meeting in New Delhi on 12 July 1947	321
38. Programme of the Partition Council meetings	323
39. The Indian Independence Act, 1947	323

40. Draft Minutes of the second meeting of the Ad Hoc Committee on National Flag held on Friday, 18th July 1947, in Council House, New Delhi	340
41. Speech by Mahatma Gandhi at a prayer meeting in New Delhi on 27 July 1947	341
42. A note by H.V.R. Iengar on the Independence Day celebrations	342
43. A letter from Surya Narayan Vyas	343
44. A telegram from the Marwari Chamber of Commerce to Jawaharlal Nehru and others	344
45. Dr. Rajendra Prasad on J.B. Kripalani	345
46. Speech by the Chairman of the Constituent Assembly of India on the eve of Independence	346
47. List of Members of the Cabinet functioning from 15 August 1947	348
48. Messages received by the Prime Minister Jawaharlal Nehru on the occasion of India achieving independence	348
49. Speech by the President of the Constituent Assembly of India at its meeting on 15 August 1947	351
50. The Prime Minister Jawaharlal Nehru to various world leaders in reply to messages sent by them on the occasion of India achieving independence	354
51. Announcement made in the Constituent Assembly of India re personnel of Committee to consider the Independence Act, Adaptation Rules, etc. (an extract from debates in the Constituent Assembly on 20 August 1947)	356
52. A note from Jawaharlal Nehru, dated 23 August 1947	357
53. A Report submitted by G.V. Mavalankar, Chairman, the Constituent Assembly Functions Committee, to the President, Constituent Assembly of India	358
54. Adoption of resolutions regarding functions of the Constituent Assembly of India (an extract from debates in the Constituent Assembly on the 29th August 1947)	361
55. A note by Dr. Rajendra Prasad, dated 2 September 1947	364
56. Daily situation report, as submitted by the Delhi Police, for 3 and 4 September 1947	365
57. Circular issued by the Prime Minister's Secretariat	369
58. Draft of a letter from Dr. Rajendra Prasad to Sir Robert Hutchings	370
59. Report submitted by the Members of a Committee appointed by the President of the Constituent Assembly of India for the purpose of recommending constitutional changes in five Centrally administered areas	374
60. A note by Dr. Rajendra Prasad, dated 27 October 1947	379
61. Excerpt from a Constituent Assembly file	380
62. Opening speech by J.B. Kripalani, Congress President, at a meeting of the A.I.C.C. in New Delhi on 15 November 1947, and speech by Mahatma Gandhi thereafter	381

63. Mahatma Gandhi's talk with Dr. Rajendra Prasad	391
64. Speech by Mahatma Gandhi at a prayer meeting on 18 November 1947	392
65. Copy of a note dated 19 November 1947 received from Sir B.N. Rau from New York	395
66. A note by Dr. Rajendra Prasad, dated 28 November 1947 (addressed to M.N. Kaul)	398
67. A letter from Dr. Rajendra Prasad to Jawaharlal Nehru	398
68. A note by Dr. Rajendra Prasad, dated 28 November 1947	400
69. An appeal by Dr. Rajendra Prasad for cooperation in the revised food policy	403
70. Speech by Dr. Rajendra Prasad, Minister in charge of Food and Agriculture, on 10 December 1947	405
71. Statement issued by Dr. Rajendra Prasad, the Congress President, on 10 December 1947	423
72. English translation of the Convocation Address delivered by Dr. Rajendra Prasad on 12 December 1947 at Allahabad University	424
73. Monthly Closing Balance in India of the Central Government	431
74. An article on the National Flag for India by Satish D. Kalelkar, Principal, G.S. College of Economics and Commerce, Nagpur	432
75. A note from Partition Council on cash balances	434
76. Miscellaneous points raised by the Pakistan members of the Partition Committee	436
77. A note on Investments	439
78. A note on institutions and bodies subsidised by Government	440
79. Steps to be taken for the transfer of offices and personnel from Delhi to Karachi in order to set up the Pakistan Government	442
80. A note on the facilities to be provided to the Muslim League for setting up a separate Government	443
81. A note on the payment of public debt by India and Pakistan	444
82. Withdrawal of non-Muslim personnel from the Pakistan Dominion	446
83. A note by H.M. Patel on the partition of Punjab	447
84. Resolution passed by the Constituent Assembly on the replacement of English by Hindi	448
85. Amendment suggested in the Draft Report of the Union Powers Committee	449
86. Draft Resolution of the All Burma Indian Conference in Rangoon, 1947	450
87. A note by Dr. Rajendra Prasad on the food situation	453
88. A telegram to the Viceroy from Sir Jadunath Sarkar, Dr. Meghnad Saha and others	457
89. A letter from Dr. Meghnad Saha to Dr. Rajendra Prasad	458
90. A letter from Rathindranath Tagore to the President, Constituent Assembly of India	459

91. A letter from the Vice-Chancellor, Gurukula University, Kangri, to Abul Kalam Azad	460
92. A letter from Harchand Vishan to the President, Constituent Assembly	462
93. Broadcast on the food situation in Madras by Dr. Rajendra Prasad, Member for Food and Agriculture	465
94. Congress resolutions on the communal problem	468
95. Gist of some correspondence between the Prime Minister Jawaharlal Nehru and the Food and Agriculture Minister Dr. Rajendra Prasad, covering the period from September 1947 to January 1948	470
96. A Report on the West Bengal Cabinet	475

APPENDICES—PART II

(Documents relating to the Statements by His Majesty's Government)

I. Statement by His Majesty's Government on 6th December 1946:	
1. Statement issued by His Majesty's Government on 6th December 1946	483
2. Resolution passed by the Standing Committee of the Chamber of Princes on 29th January 1947	484
3. Resolution passed by the Working Committee of the All India Muslim League on 31st January 1947	486
II. Statement by His Majesty's Government on 20th February 1947:	
1. Statement made by the Prime Minister in the House of Commons on 20th February 1947	492
2. Statement made by the Honourable Pandit Jawaharlal Nehru on 22nd February 1947	495
3. Resolutions passed by the Working Committee of the All India Congress Committee on March 8, 1947	496
4. Correspondence between the General Secretary, All India Muslim League, and the General Secretary, All India Congress Committee	498
III. Statement by His Majesty's Government on 3rd June 1947:	
1. Statement by His Majesty's Government on June 3, 1947	499
2. Messages broadcast from the A.I.R., Delhi, on June 3, 1947, by the Viceroy, Pandit Jawaharlal Nehru, Mr. M.A. Jinnah, and Sardar Baldev Singh	504
3. Resolution passed by the Council of the All India Muslim League on 9th June 1947	512
4. Resolution passed by the All India Congress Committee on 15th June 1947	513
IV. Announcements by the Governor-General in pursuance of paragraph 21 of the June 3 statement	514

Index

CORRESPONDENCE

PART I

1. *From Mahatma Gandhi*

Masimpur
January 8, 1947

Chi. Rajendra Prasad,

I have your letter of.....* It is futile to worry. Not only I but we all are in the hands of God. We shall act as He moves us. I cannot have Kanu with me. I have given everyone independent work. Chi. Manu has come of her own accord. She was keen to come only to work under me and I agreed to it and she is working with zest. She is not as capable as Kanu, but where faith and purity exist talent and strength must follow. Manu has to prove this. Let us see what happens.

Blessings from
Bapu

*Omission as in the source

2. *From Y.G. Krishnamurti*

Woodlands
Roypettah, Madras
8th January 1947

Revered Sir,

As I have immediate affinities with your thought, it is my desire to be your chief pupil. I feel that my personality will gain in depth and richness by serving a man of synthetic judgments.

I shall be grateful if you give me the opportunity to work in the following two directions:

1. To give you devoted assistance in the Constituent Assembly work.
2. To write your full-length, authentic biography.

Try, write a line putting me out of suspense. With profound regards,

Yours respectfully,
Y.G. Krishnamurti

Dr. Rajendra Prasad
President, the Constituent Assembly
New Delhi.

3. To Sri Krishna Sinha

1 Queen Victoria Road
New Delhi
10th January 1947

My dear Sri Babu,

Srijut Deshbandhu Gupta's seat in the Constituent Assembly has fallen vacant and notification declaring the vacancy has been published in the *Gazette of India* dated the 4th January 1947. The Constituent Assembly Office has already written to the Speaker of the Bihar Assembly to take steps for getting the vacancy filled. I spoke to you when you were here about Prof. K.T. Shah. He was to have been elected in the first election from the Punjab but by some mistake his nomination was not filed. Now that an opportunity has arisen a man of his attainments should not be left out. I have been particularly requested, after I had spoken to you, also by Pt. Jawaharlal Nehru to help him in getting elected. I hope the Congress Party will accept him as their nominee and get him elected. The Working Committee originally allotted certain seats from each Province to people of repute from outside the Provinces. The vacancy is in a seat which was held by an outsider and the Province should have no feeling if it is filled again by an outsider. Besides, Prof. Shah is a man of such outstanding merit that it will be a real loss if the Constituent Assembly cannot avail itself of his services. If necessary, you may use this letter in any way you think suitable.

Yours sincerely,
Rajendra Prasad

The Hon'ble Mr. Sri Krishna Sinha
Prime Minister, Patna
Bihar.

4. To Dr. Sachchidananda Sinha

1 Queen Victoria Road
New Delhi
The 10th January 1947

My dear Sir,

I have received your letter of the 7th January 1947. I am sorry to learn that my apprehension has come out true and that you have not been keeping good health, after your return from Delhi. I hope by the time it reaches you you will have recovered sufficiently to attend to correspondence. I have managed to carry on in

spite of the cold of Delhi. I believe this cold will be less severe after three weeks or so and I hope I shall be able to get through without any serious trouble. I am interested to learn that the Civil Judge has given one month's time for parties to file objections, if any. You must have during your stay in Allahabad come to know about the reactions of the parties concerned. Kindly let me have a line about it. The sudden death of Munshi Ishwar Saran came as a great shock to me. You might remember that as the Constituent Assembly was in session I had to fly to Benares to attend the Convocation of the Hindu University and at that time on my return journey I had about an hour at Allahabad and I took the opportunity of going to the house of Justice Shankar Saran and there I learnt that Munshi Ishwar Saran was also at Benares to attend the Convocation. Somehow or other I have missed him there. It is now impossible to see him again.

You must have seen in the papers the resolution of the All India Congress Committee. Let us see what the reaction of other parties to this resolution is. The Working Committee of the Muslim League is going to meet on the 29th instant. One thing appears to be clear from this that the League is in no hurry even if it ultimately decided to join.

Yours affectionately,
Rajendra Prasad

Dr. Sachchidananda Sinha
Sinha Library Road
Post Box No. 62, G.P.O.
Patna.

5. *To Y.G. Krishnamurti*

1 Queen Victoria Road
New Delhi
The 13th January 1947

My dear Krishnamurti,

I have received your letter after a long time. For some time, I was in suspense about your whereabouts as your Bombay publishers made enquiries of me about you and could not give me any information as to where you were. I am, therefore, doubly pleased to receive this letter of yours.

As regards your two suggestions, the Constituent Assembly has already got a staff which was created before it actually met and it is not possible to displace anyone on it and to make room for you to be able to help me in the discharge of my duties there.

I have written my own recollections in Hindi. This was done while I was in jail. It is in the press and is likely to be published within this month. The publishers

have also arranged for an English version of it. The translation is being done by some friends appointed by them but it will be some time before it is completed and the English version published. I do not know in what way I could be of help to you in bringing out any biography. You may, when the English version is available, look into it and see if what you propose is not already covered by the volume. I shall be glad to hear from you as to what you are engaged in at present.

You might have seen that your book to which I gave a Foreword has been published. The publishers, during your absence, enquired of me if I had written a Foreword. They had evidently not received the copy which I had sent to you. I fortunately possessed another copy which I sent to them and they have published it with the Foreword.

Yours sincerely,
Rajendra Prasad

Y.G. Krishnamurti, Esq.
Woodlands, Roypettah
Madras.

6. *From Dr. Sachchidananda Sinha*

Sinha Library Road
Post Box No. 62, G.P.O.
Patna
14th January 1947

My dear Rajendra,

I was, indeed, very happy to receive yesterday your kind letter of the 10th, in reply to my letter of the 7th. I am glad to tell you that my illness seems to have taken now a favourable turn, and I am slowly getting better, but it will be some time yet before I may hope to regain my normal health. But under medical advice, I have cancelled my programme for coming to Delhi to attend the next meeting of the Assembly on the 20th. I hope it may fall to my lot to do so the later meetings in March or April.

Munshi Ishwar Saran's sudden death has been a great blow to me, since I had known him intimately for now more than fifty years; in fact, from a time while he was still a student at college. And all these years we were on most loving terms. I went to see him at Allahabad, but he refused to see both Sir Tej Bahadur and myself on the ground that he was not in a fit condition to receive us, and then he passed away suddenly on the tenth day of his illness. So in the case of his death, it is not only a great public loss, but also an equally great personal loss to you and to me.

During my stay at Allahabad, I gathered that the only persons aggrieved against our award are the parties concerned, and that, apart from them, there is

general satisfaction all over Allahabad, and also throughout the Province. The note, which we have prepared, was shown by me to Mr. Justice Shankar Saran, who advised its publication after the court had prepared the formal decrees in the suits, at the end of one month's time allowed for filing objections. I shall, therefore, send the note to the Allahabad papers for publication after the 20th.

Jawaharlalji is coming here on the 17th, and so is Rajaji, to attend the special Convocation to be held here to confer the Degree of Doctor on Jawaharlalji. I wrote to him the other day, requesting him to stay with me as usual, but I have learnt since then that both of them will be staying with the Vice-Chancellor. I hope, however, I may be able to meet them.

As regards the public affairs, I can make no head or tail of it, as it has got rather confused at present. One thing is clear that the Muslim League is not going to join the next session, as their own meeting will not be held till the end of this month; the future is on the knees of the gods. Meanwhile, the Forward Bloc people under the presidentship of Caveesharji have been holding, at my birthplace, a series of meetings lasting over a whole week with the primary object of denouncing the Congress!

Hoping for the best and trusting all well, I remain with my blessings and good wishes,

Ever yours affectionately,
S. Sinha

The Hon'ble Dr. Rajendra Prasad
Food & Agriculture Member
1 Queen Victoria Road
New Delhi.

7. To Dr. Sachchidananda Sinha

1 Queen Victoria Road
New Delhi
The 18th January 1947

My dear Sir,

I have received your letter of the 14th instant and I am glad to note that your health is improving. I hope you will soon be completely free from the trouble that you had. I have had, as you know, very busy time. Much of the work of the Departments had accumulated during the period I was engaged in the Constituent Assembly. I have just been able to clear up the files when we have the next session of the Assembly from the 20th onwards. I think this session will be a shorter one than the last and I shall not have to devote as much attention to the details as I had to do last time in framing the rules etc. But, of course, I shall have

Dr. Rajendra Prasad:

to sit the whole day through in the chair, which itself is a great strain.

I am glad to hear the reactions to our award in Allahabad. We did not expect that the parties who lost will be satisfied. I heard from Dr. Panna Lal, when he was here, that there was general satisfaction.

Yours affectionately,
Rajendra Prasad

N.B. Bhai Mathura Prasad sends his respectful pranams.

Dr. S. Sinha
Patna.

8. *To P.N. Bannerji*

I Queen Victoria Road
New Delhi
The 18th January 1947

Dear Mr. Bannerji,

Professor Shibli Ibrahim is applying for a post of a Translator in the Constituent Assembly. He wants leave from the University retaining his lien in the post there. Will you kindly help and accommodate him?

Thanking you, I am,

Yours sincerely,
Rajendra Prasad

P.N. Bannerji, Esq.
Vice-Chancellor, Calcutta University
Calcutta.

9. *From Dr. Sachchidananda Sinha*

Sinha Library Road
Post Box No. 62, G.P.O.
Patna
24th January 1947

My dear Rajendra,

I received three days back your kind and affectionate letter of the 18th. I am now much better, but not well enough to risk my health again in the cold of Delhi,

which does not seem to have abated, judging from the daily reports in the Press. I am sorry I have had to miss this session. I hope it will fall to my lot to attend the subsequent sessions.

I am following keenly the proceedings of the Assembly from day to day. I am gratified to read in day before yesterday's papers that Jayakar and others having withdrawn their amendments, the original proposition moved by Jawaharlalji was unanimously carried. That is all to the good from our point of view, but I shall be grateful to you by your kindly taking the trouble to tell me, in your reply to this letter, the reaction of the passing of the resolution, both on the Muslim League and the Indian Princes. This morning's (25th) Calcutta edition of *The Statesman* has very adverse comments on the resolution.

I am enclosing herewith a letter in original from Prof. D.N. Banerjee of the Dacca University, who is the Head of the Political Department there. He is a very well-read man, and the views he expresses on public affairs are worth considering. Very recently, he presided at Delhi at the annual session of the Political Conference, and delivered at it a highly thoughtful Address, which, I hope, you have seen, as the greater part of it was printed in *The Hindustan Times*. In this Address he has given, in my opinion, the correct lead on all important points, namely, self-determination, and the correct procedure of framing the Constitution. I am personally disposed to agree with him that the Constitution of the Central Government must be framed before that of the Provincial Governments. I would like to know from you, in due course, whether this view is likely to appeal to the Assembly, or whether it will be the other way about.

Lastly, I am enclosing herewith a printed cutting,* in connection with the Presidentship of the Council of State, on which subject I spoke to you when you were at Patna last time. It would appear that the Government had, more or less, committed themselves to the election of a President rather than nomination. I wonder if you could find out from the Member in charge of the Department (I do not know who it is), who will advise the Governor-General on this question, whether there is any prospect of election taking place, or whether it would be by resorting to the old system of nomination by the Governor-General.

I fear I have inflicted upon you a long letter, but there is no helping it, as you are the only Member of the Interim Government who is disposed, in spite of his onerous responsibilities, not only to write in reply to my letters, but also to give me such information as I require from time to time.

Hoping to hear from you in due course and trusting all well, I remain with my blessings and good wishes,

Ever yours affectionately,
S. Sinha

P.S. I usually send out copies of my letters to Bhai Mathura Prasad, but I am not doing so in this case. You may show him this letter, if you desire to do so.

I regret I forgot to mention above how much I enjoyed your crushing rejoinder—based on unimpeachable data—to Churchill and Simon. I hope the

Assembly Office saw to it that the substance of it was cabled to the London Press. Lastly, I gather that the Assembly's present session will come today to a close.

S. Sinha

*Not included.

Enclosure:

(Letter from D.N. Banerjee to Dr. Sachchidananda Sinha)

20 Umesh Datta Road
Bakshi Bazar, Dacca
18th January 1947

My dear Sir,

I am deeply obliged to you for your kind letter of the 6th instant, which reached me only yesterday afternoon. I am most gladly enclosing herewith two more copies of my Presidential Address. I am really grateful to learn that you will kindly print parts of the Address in your *Hindustan Review*. I would make another request; you are a distinguished member of the Union Constituent Assembly. If you agree with the view I have urged in my address in regard to the necessity of defining the powers of the Union Centre first, then I would earnestly request you to press for the point before the Union Constituent Assembly.

Sir Gopalaswami Ayyangar was present at our Conference at the Delhi University when I delivered my Address. I do not know what his reaction was. You may kindly discuss the point with him. I am also sending copies of my Address to Sardar Patel, Pandit Nehru, and Dr. Rajendra Prasad. You will be glad to learn that the Address has received a very wide publicity and editorial notice throughout India. *The Hindustan Times* of Delhi gave four columns to the Address and a long editorial to it. Thus the points I have urged have been placed before the general public. I may also state here that political scientists who assembled at our Conference from different parts of India agreed with my point of view that the Constitution of the Union Centre should be settled first before the question of settling the Provincial Constitutions etc. could be taken up.

Trust you are doing well.

With highest regards,

Yours sincerely,
D.N. Banerjee
Head of the Department of Political Science
University of Dacca

10. *To J.B. Kripalani*

1 Queen Victoria Road
New Delhi
26th January 1947

My dear Kripalaniji,

Sometime ago I was approached by leading zamindars with a request that the Congress High Command should receive a deputation of theirs in connection with the proposal for abolition of zamindari. They had approached Mahatma Gandhi also and had written a letter to Maulana Sahib. Two days ago the Secretary of the Maharajadhiraj of Darbhanga saw me in this connection and wanted to know when it will be possible to receive the deputation. I enquired from Maulana Sahib who said that a time might be given in consultation with others. I do not know if it will be for the Parliamentary Sub-Committee or the Working Committee. They would require a few days to collect their papers and will therefore require some days' notice. Probably the most convenient time will be after the 15th February when both the Central Assembly and the Council of State will be in session. I shall be obliged if you could fix a suitable date sometime in the third week of February and let us know so that I might communicate it to the Maharaja.

Yours sincerely,
Rajendra Prasad

Acharya J.B. Kripalani
President, Indian National Congress
Jantar Mantar Road.

11. *From Lord Wavell*

The Viceroy's House
New Delhi
26th January 1947

Dear Dr. Rajendra Prasad,

I have received your letter of the 23rd January on the subject of the Presidency of the Council of State. The request addressed to the Secretary of State was for legislation to introduce a system of election in the next Council of State, that is to say, after the next general election. It was with this background that the Secretary of State suggested that until legislation could be undertaken, the Governor-General might let it be understood that he would exercise his power of appointment after consulting the Council of State. It is true, of course, that when

the Resolution was adopted, it was anticipated that the Council of State would be left to expire on the 1st November last; and that the contingency of Sir Maneckji Dadabhoy relinquishing the office of President during the life of the existing Council was not foreseen. When it became known that Sir Maneckji Dadabhoy would resign at the end of the autumn session, a suggestion was submitted to the Leader of the Council of State that an informal election should be held and a Member recommended to me for appointment as the next President. I would have been quite prepared to adopt this procedure, but the Leader of the House, whom I must regard as my adviser in this matter, recommended that in all the circumstances of the case the appointment should be made by me in the ordinary way; and on his recommendation I had in fact already decided to appoint Mr. Hossain Imam before your letter reached me. The appointment will be formally notified in a *Gazette Extraordinary* on Wednesday next. I may add for your information that Mr. Hossain Imam will resign from the Working Committee of the Muslim League as soon as his appointment as President is notified.

Yours sincerely,
Wavell

The Hon'ble Dr. Rajendra Prasad.

12. To Vallabhbhai Patel

1 Queen Victoria Road
New Delhi
The 28th January 1947

My dear Vallabhbhai,

I desire to draw your attention to one matter which deserves consideration. The Secretariat of the Government of India is an all-India Secretariat and people from all Provinces naturally expect that they would be represented in it. Except for some top men belonging to the Civil Service who have been brought from the various Provinces there is no representation of several of the Provinces in the various Departments of the Government of India. If you could get the figures prepared about the employees in the various grades of the clerical staff and the superior staff below the grade of Secretaries you will find that several Provinces are altogether unrepresented. We are now instituting a Foreign Service. Cannot something be done to remove these grievances of the Provinces? It is true that it is very difficult for persons belonging to a Province unrepresented in the Secretariat to get any job there because in the first place they do not know anyone there and in the second place those already in service have an advantage and can help their own men in securing appointments whenever a vacancy arises. As you are

in charge of the services I request you to look into the matter and see that justice is done.

Yours sincerely,
Rajendra Prasad

The Honourable Sardar Vallabhbhai Patel.

13. *From Vallabhbhai Patel*

New Delhi
31st January 1947

My dear Rajen Babu,

Many thanks for your letter of the 28th January 1947 regarding the provincial representation in Government services. I am collecting the information required by you. I do not think it is readily available and to obtain it from the Departments will take some time.

2. Your suggestion, however, involves certain difficulties. The rules regarding communal representation have also introduced a number of complications in recruitment to the various services. If we add the criteria of provincial representation to these rules, recruitment will become a very complicated process indeed. Apart from this, insofar as recruitment is made by competition, provincial representation is out of the question. Where appointment is made by selection, otherwise than by competition, it would probably be urged that provincial representation would lower efficiency. The combined effect of communal and provincial representation will thus be to reduce the calibre of candidates recruited and thereby prejudicially affect the standard of administrative efficiency. These are points which strike me immediately, but the matter will have to be gone into more carefully and in greater detail if, on receipt of the information regarding provincial representation and in the light of the views I have expressed above, you still feel that it should be further pursued.

Yours sincerely,
Vallabhbhai

The Hon'ble Dr. Rajendra Prasad
Food & Agriculture Member
Interim Govt. of India, New Delhi.

Note: This letter had the following marginal note by Dr. Rajendra Prasad: "I shall take up this matter when the provisional information is collected and made available to me. Acknowledge and ask for information when collected—R.P.5/2".

14. *To Vijayalakshmi Pandit*

New Delhi

The 5th February 1947

My dear Vijayalakshmi,

As you are aware, the food supply position during 1947 is not likely to be any better than the acute emergency position which prevailed throughout 1946. As a result of our strenuous efforts, we have been able to secure large allotments of cereal imports for the first half of 1947 and this allocation includes about 400,000 tons of rice from Burma. Our difficulty now is not so much about the allocations made by the I.E.F.C. which are largely on paper but in ensuring that we get the physical quantities covered by these allocations from outside suppliers at the right time and of the right type of grain that is mostly consumed in the country. On present indications, the kharif crops in certain important parts of the country which are normally self-sufficient or surplus are likely to be poor and the months from July to September will again present very serious difficulties in regard to areas which consume wheat or millets. While this is true of internal position, the prospects of our securing substantial quantities of wheat as a part of our import quota are not very bright. Out of the important suppliers, Australia expects a small surplus and Argentina's surplus has already been allotted to other areas at relatively high prices. The only exporter which would have large surpluses of wheat will be the United States of America who pay greater attention to the needs of the European countries including Italy—an ex-enemy country—than the basic and urgent requirements of the Eastern countries including ourselves. We are doing everything at the official level to persuade the United States to give us as large quantities of wheat as possible in our total import quotas from America. It has been suggested to me that it will be of great assistance to us if someone who is in a position to influence both the American public opinion and the American Secretary of State for Commerce, Mr. Clinton Anderson, could be approached and asked to make a special appeal to the Americans and to Mr. Anderson to give the highest priority to our requirements for wheat during the current year. We understand that Miss Pearl Buck, the famous American writer, has a great pull both with the American public and particularly with the American Secretary of State, Mr. Anderson. I presume that you know Miss Buck very well and I am writing this to request you kindly to write to Miss Buck emphasising the gravity of the position and the urgency of our wheat requirements and request her to press on Mr. Clinton Anderson to give the highest priority to India's requirements for wheat from the United States of America. If you kindly agree to write to Miss Buck, I would ask my Department to let you have any other material that you may require in this connection.

Yours sincerely,
Rajendra PrasadThe Hon'ble Mrs. Vijayalakshmi Pandit
Minister for Health
U.P. Government, Lucknow.

15. From Dr. Sachchidananda Sinha

Sinha Library Road
Post Box No. 62, G.P.O.
Patna
5th February 1947

My dear Rajendra,

You have been too busy, I fear, to reply to my last letter posted to you more than ten days back in a registered cover. Apart from your heavy and multifarious work, you are, I understand, at present worried in connection with the health of Bhai Mathura Prasad, who has been reported to be pretty seriously ill. I earnestly hope his condition is changing for the better, and I hope to hear from you in reply that he is on a fair way to recovery.

I am now much better, though it will be, perhaps, a fortnight more before I may hope to be myself again, but I am well enough to attend the session of the Assembly, which began on the 3rd, and which is expected to last till the first week of May.

If you are going to hold a session of the Constituent Assembly in the second half of April, I shall have to choose between the Assembly here and the Assembly there; but about the Assembly there, I would like to hear something from you of the inside view which is not likely to appear in the papers. I hope you may be able to give me some such information.

Shyamnandan Babu told me that the Viceroy accepted the advice of the Leader of the Upper Chamber (Nishtar) that the President should not be chosen by election, but should be nominated from amongst the elected members, and so the choice had fallen on the Leader of the Muslim League. I am glad that the appointment has gone to a Bihari Muslim Leaguer, and I hope for the best.

At last, at long last, the result of my nine years' labour has just appeared in book form called *Iqbal: The Poet and His Message*, and you will receive a copy of it as soon as possible from my publishers. It is a big book of five hundred pages, but I would fain hope that you may be able to go through it, at your leisure and convenience. I have no desire to anticipate your judgement, but I may add only this much that though primarily a literary work of criticism, I have tried to discuss in it many of the questions which are agitating the public mind of India today, owing to the demands of the Muslim League, though these questions are not discussed except by way of illustration. I shall be sending a copy of it to Jawaharlalji, and also to Maulana Saheb.

Trusting all well, I remain with my blessings and good wishes,

Yours affectionately,
S. Sinha

P.S. I have just seen in today's *Leader* that two of the three Pathshala suits

have been decreed in terms of our Award: (a) the one dismissing Piare Lal's suit against the order of the Returning Officer, and (b) declaring elected Dr. Narayan Prasad in place of Piare Mohan. The third suit about Rs. 272 bogus trustees is still pending.

S. Sinha

16. *To Dr. Sachchidananda Sinha*

1 Queen Victoria Road
New Delhi
8th February 1947

My dear Sir,

Please excuse the delay in writing to you, although you have been good enough to write two letters—one on the 24th of January and the other on the 5th instant—since I wrote to you last. The reason for the delay, as you may have guessed, has been my engagements which have not left me time to attend to correspondence as regularly as I would have wished to.

I am sorry to inform you that the health of Babu Mathura Prasad has deteriorated considerably and there has been no improvement. It is a case of heart disease and he has been ordered by the doctors to keep lying down in bed. It developed more or less suddenly, or at any rate we did not know anything until the 24th January last. One morning he mentioned to me that he was feeling pain in the region of the heart and we decided that we should consult a doctor. The doctor was told on the phone what the trouble was and he advised him to keep in bed and promised to come in the evening. Babu Mathura Prasad, as usual, paid no heed to the advice. The doctor came at night, saw him and advised complete rest. He, of course, did not tell him that there was anything serious, but it was not an easy case. Unfortunately he had come late in the evening and I had already gone to bed, so I knew nothing until the next morning when Babu Mathura Prasad told me that he had been advised complete rest. But he did not listen and that day too he went with me to the Constituent Assembly. Fortunately it happened to be the last day of the Assembly and the session was over before the lunch time. We came home and took our lunch and thereafter there was severe pain which lasted for a pretty long time—an hour or so. The doctor came and was naturally upset to see what had happened and strictly enjoined rest. The pain had frightened Babu Mathura Prasad to some extent and after this incident he listened to the advice and his cardiogram was taken and it was found that there was some damage. But we hoped that he would recover after rest. He seemed to improve as a result of the rest and treatment, but a few days later he again had an attack and this was worse than the previous one. He has now been lying in bed and I have brought his sons here and there is a nurse who is looking after him. Fortunately Dr. Bidhan Chandra Roy is in Delhi for some Conference and he has seen him

twice—once two days ago and the second time this afternoon. There is no immediate risk but in case of coronary thrombosis anything may happen at any time. What causes anxiety is that he is gradually becoming weaker. So far as medical treatment is concerned, we have now had the advantage of the advice of one the best physicians of the country. The local doctors are also very good professionally and very kind in their treatment. I am hoping that he will improve. I will keep you informed.

I am interested to read Professor D.N. Banerjee's letter. One of his suggestions we have already adopted. The last session of the Constituent Assembly appointed a committee to define the scope of the Union subjects. It is not open in terms of the statement of May 16 to have the Union Constitution framed before the Provincial Constitutions are framed. The statement has clearly laid down that the Union Constitution will be framed after the Provincial Constitutions and the Group Constitutions, if any, are framed. So we cannot frame the Union Constitution first, but we have done the next best thing, viz., to appoint a committee to define the scope of the Union subjects which I hope it will do before the sections start working.

You must have seen the resolution of the Working Committee of the Muslim League. They reaffirmed the decision of the Council of the League whereby they withdrew their acceptance of the Cabinet Mission's plan. They have thus disqualified themselves for the second time for being in the Interim Government, but they were brought in when they had that disqualification and they are still there. We are awaiting the reactions of H.M.G. to their latest decision. You might have noticed in the Press that the *Times of London* has condemned the resolution of the League in strong terms, but has at the same time suggested that the Congress should not press for the withdrawal of the League members of the Government. You may have seen the article in *The Statesman* which has criticised the Congress action in making such an attempt. We have to await what the British Government does.

In the Constituent Assembly the action of the League leaders in not having a meeting of their Council and so timing the meeting of their Working Committee as to make it impossible for the Constituent Assembly to wait for their decision caused resentment and there was not one man, I believe, in the whole Assembly who was not keen on getting the resolution moved by Pandit Jawaharlal about the objectives passed and so it was passed. We, however, while electing the committees left room in each of them for the Muslim League to come in if they wished. But in spite of all this they have not only rejected our offer but have asked the British Government to scrap the Mission's whole plan and dissolve the Constituent Assembly. I do not think the Congress is likely to accept dissolution, nor do I think the British Government will be so foolish as to do anything of the sort.

As regards the Council of State, I did write to the Viceroy drawing attention to the resolution that had been passed in the Council of State and asking him to allow the Council of State to elect a President who could, for fulfilling the

formality of the Law, be nominated by him but he had already made the appointment after consulting the Leader of the Council. So that is what has happened.

I am afraid I have already dictated too long a letter and must close now. I hope you are quite fit by now. We have not yet fixed any time for the Advisory Committee to meet, nor of the Constituent Assembly.

Yours affectionately,
Rajendra Prasad

17. *From Dr. Sachchidananda Sinha*

Sinha Library Road
Post Box No. 62, G.P.O.
Patna
14th February 1947

My dear Rajendra,

I was, indeed, happy to receive yesterday afternoon your long and kind letter of the 8th February, which I had been looking forward to for some days. I have read with great interest but anxiety the long account you have given me of the illness, and the present condition, of Bhai Mathura Prasad. It is a very great pity that his carelessness and indifference to his health have led to such serious developments. I am fully aware that you are doing your very best to bring him round, and I earnestly hope and pray that he may soon recover. As you are intensely busy, and cannot be expected by me to write to me too frequently, I would like to suggest that you kindly instruct Chakradhar to drop me a postcard after every two or three days, giving me the latest information about Bhai Mathura Prasad's health, and his progress towards recovery.

I have noted what you have said about public affairs, and have also informed Professor Banerjee (of the Dacca University) about your views and the action already taken by the Constituent Assembly, in connection with his suggestion for framing the Constitution.

Lastly, the papers have been publishing that both the Congress and the League Members of the Interim Government have submitted notes to the Viceroy for the other party being ousted from the Interim Government. If the fact be as stated, I dare say some announcement or other will appear in the Press, in due course, when the matter is settled one way or the other, by the Home Government. But if you could kindly see your way to give me some inside information about it, I shall be indeed grateful.

Hoping to hear from you in due course and trusting all well, I remain with my blessings and good wishes,

Yours affectionately,
S. Sinha

P.S. The court has upheld our Award about Dr. Narayan Prasad being the new President in spite of objections on the ground of jurisdiction. Our note has also been printed in the papers at Allahabad, and elicited unstinted support from all sides.

S. Sinha

18. *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
18th February 1947

My dear Jawaharlalji,

I am enclosing a note which I would like our colleagues in the Cabinet to consider. As tomorrow (Wednesday the 19th February) happens to be a holiday for the Assembly we may meet at a time and place which you may fix. We have the Cabinet meeting at the Viceroy's House in the evening. An earlier hour of the day will be suitable.

I am enclosing eight copies for our other colleagues.

Yours sincerely,
Rajendra Prasad

The Hon'ble Pandit Jawaharlal Nehru
Member for External Affairs & Commonwealth Relations.

Enclosure :

(Note by Dr. Rajendra Prasad)

Time has come when we should take stock of what we have been able to achieve and what we hope to achieve in the near future. We have been in charge of the affairs of the Government of India for nearly six months. The country expected much from us and we ourselves were not without hopes that we would be able to do something to fulfil in part at least the high expectations of the people at large. I do not propose to deal with the political and communal questions which stand apart and which have an all-pervading influence of their own, but propose to confine my attention to those matters which are of everyday concern to the man in the street.

(1) The first and foremost among these is food. It is true that we have somehow managed to pass through a crisis in the South but we are face to face with another crisis in the North. When we took office it was the scarcity of rice and particularly in the peninsular part of India which was causing anxiety. It is the scarcity of wheat, particularly in the North, which is our headache now.

Certain facts stand out: (a) Our dependence on import has not become less. (b) Imports are not easy to get and even if we get allocations, we may not be sure of arrivals. The trouble about wheat is largely due to failure of allocations reaching us, particularly from the U.S.A. on account of the prolonged shipping strike in that country. (c) We have to pay very high prices for our imports. Sometimes the exporting countries have two prices—one for their internal consumers and another for export and the latter are very high and intended to bring in large revenues for meeting, as for example in Burma, the costs of rehabilitation. (d) We are expected and have had in fact to supply particular commodities of which the exporting countries are in need as a part of the transaction, even though we ourselves are in short supply in respect of those commodities. Textiles are one such commodity of which we are in short supply but which we have to supply to others. Groundnut oil is another. We have had to supply rubber, agricultural machinery and even motor trucks and such other things which we do not produce ourselves. Jute and jute manufactures are greatly in demand. We have not charged anything extra for the goods we have supplied except that in the case of jute we have recently imposed an extra duty. This extra duty has to be realised from all countries irrespective of whether their dealings in respect of their supplies have been on purely commercial basis or whether we have had to pay extra heavy price for them because of our difficult food situation. As things stand there is no chance of those countries changing their tactics—on the contrary the chances are that they are going to put up their prices for us still higher. This has already happened in the case of Burma rice.

There is a tendency for internal prices to rise. There is an insistent demand on the part of Provinces that the price of foodgrains should be raised. We had to yield to the demand for raising the price of sugar, because the two Provinces chiefly concerned—the United Provinces and Bihar—raised the price of sugarcane. Assam, Bihar, C.P., Orissa and Madras have been pressing for an increase in the price of paddy and rice. In an indirect way they have raised it to some extent by declaring the prices fixed by us as applicable to supplies at the farmyard of the cultivator and adding a certain amount to them as cartage for supplying at *mandis*. There is a demand for raising the price of groundnut and groundnut oil.

Apart from the demand for raising prices, which applies to articles in respect of which a control price exists, there is no doubt that in the markets there is ruling in many places a price which is much in excess of the control price. It is difficult to make a general statement in respect of the difference between the control price and the market price as it varies from Province to Province and even from district to district. Thus while the control price of rice is, say, Rs.10 or Rs.11 a maund the market price not infrequently is anything between Rs.20 and Rs.30. In the case of mustard oil the control price is something between Rs.45 and Rs.50 a maund, but it sells at places at anything between Rs.120 and Rs.280 a maund. There is a difference between the control and market prices of groundnut although it is not so large. Black market is thus flourishing. Corruption is as rampant as ever.

On account of the flourishing black market which the Provinces are not able to control, some of them are showing signs of revolt against the control prices fixed by the Central Government. The addition of cartage to control prices of paddy and the practical failure of supply of mustard or mustard oil and groundnut kernel or groundnut oil are indications of this revolt against the price system.

Failure or refusal to raise prices of agricultural produce is creating discontent in the countryside and even our Congress organisation, generally speaking, is supporting the demand. Procurement is becoming more and more difficult.

It has thus become necessary to consider what steps should and can be taken:

- (a) to ensure supply of foodgrains to the country at large even at the rate of ration now prevalent which is the rock bottom, below which it is impossible to go;
- (b) to ensure supply of oil and ghee at reasonable prices;
- (c) to ensure prices which are reasonable and fair both to the producer and to the consumer;
- (d) to eliminate or at any rate to mitigate the rigours of black market;
- (e) to eliminate or at any rate to reduce corruption;
- (f) to check the upward trend of prices and the cost of living which have distinctly gone up since September last in respect of many essential commodities.

(2) Cloth. The demand for cloth is as great as ever and is not met. There is famine of cloth in many parts of the country and it is not available even for ordinary everyday use, much less for festivals and ceremonial occasions.

Whilst there is this scarcity for the consumer, I am told godowns of mills are full and for some reason or other they are not emptied.

I understand production has gone down; but I am assured by persons who can speak with knowledge that it can be increased.

There is discontent in the Provinces that distribution is not fair and allocations even when made do not actually reach them. There is always a time lag of months between the allocation and the actual supply. The quality is not what is wanted and sometimes the kind of cloth supplied is such that it is of no use for people for whom it is intended.

Black market rules here as elsewhere. Corruption is equally prevalent.

Price control, particularly in the countryside, is only on paper and not at all effective in actual transactions.

(3) Other articles like iron and steel for agricultural purposes and coal for brick burning: There is great difficulty experienced in regard to these and agricultural operations are held up for short supply of these.

(4) Production has to be stepped up but is actually going down very largely due to unsettled labour conditions. Strikes, whether justified or not, cannot fail to affect production adversely and they account for much of the loss in production.

Strikes in docks and railways add to the difficulty of transport which even

without them is not easy on account of the aftermath of the war.

If the threatened strike in coal-fields materialises to any considerable extent, the situation in regard not only to industries but also to transport will become very grave.

We are victims of a rising spiral of cost of living and prices. Agricultural interests demand higher prices for food and other produce like cotton and jute and oil-seeds which are used as raw material for producing other goods on the ground that manufactured goods that go into their consumption are dear. Manufacturers demand higher prices for their goods as their raw materials and cost of labour are dear. Labourers demand higher wages because food and other goods that they consume—including those which they themselves produce—are dear. The question is where and how we can break this vicious spiral. Over all prices hangs the black thick shadow of paper called money.

The obvious remedy is more production in the fields and in the factories. High prices and black market are the twin offspring of short supplies. Controls have failed so far to control effectively either their birth or their growth. Some go to the extent of saying that they have helped and nourished them, and they say that in spite of the fact that removal of controls has very often resulted in a sharp rise in prices.

How shall we achieve more production in the face of the difficulties that confront us? These are due to shortage of necessary requisites for increased production. In case of agriculture they are: (a) of irrigation facilities which can be increased if coal for brick burning, iron and steel for agricultural implements, pumps and pipes, etc., are made available; (b) of manure; (c) of good seeds etc. are made available; and in case of manufactured goods—(a) of raw materials, and (b) of labour due to strikes.

I feel that we have not been able to give the amount of attention that is required to a consideration of questions like these. I also think that we should take the counsel not only amongst ourselves but also with those outside the Government whose knowledge and experience can help in solving the most difficult problems that confront us. Among them I would include: (a) economists, scientists and engineers who would give us the theoretical background; (b) agriculturists, manufacturers and industrialists who would give us the benefit of their practical experience; and (c) businessmen who would advise us as to how best the theoretical and practical can be combined in a businesslike manner. I am not suggesting a committee to investigate and report. I have in view only conferences—one or more according to necessity—where problems can be thrashed out across a table on the basis of information and material already available. But before anything can be done, it is necessary for us of the Cabinet to thrash them out among ourselves and I suggest that this should be done without delay.

MAJOR TASKS BEFORE THE INTERIM GOVERNMENT

The major task which await immediate solution at the hands of the Interim Government are:

(1) To proceed with utmost expedition to frame (a) a pattern of a Provincial Constitution, and (b) a pattern of the all-India Union Constitution which will provide all the legitimate safeguards for the minorities, be in accordance with the popular aspirations and be acceptable to the largest number of Provinces and parts of Provinces which will have to be partitioned as separate units; and to get these constitutions accepted by a unanimous vote of the Provincial Legislatures concerned;

(2) To formulate a sound and a firm economic policy for the transition period designed to maximise production of essential consumer goods with increasing efficiency and lower costs and not only to hold the worsening inflationary situation but to bring down the price-cost level to reasonable levels with a view to affording relief to the man in the street; and

(3) To strengthen and to adapt the existing administrative machinery so that it will be capable of discharging efficiently the positive tasks which the Government are undertaking and also be in a position to meet the heavy calls which will be made upon it after June 1948.

2. The importance of No. (1) and No. (2) tasks are fully realised by the public and by the politicians although the efforts made to secure these tasks are yet too feeble. The vital importance of the strength and the efficiency of the administrative machinery to the real policies and the purposes of Government has not, however, received the consideration that it deserves. The administrative machinery designed under British rule was, in the main, intended to perform efficiently the negative functions of Government of maintaining law and order, internally and externally, and, for that purpose, a comparatively small machinery with very rigid and sound administrative traditions had been built up. The nature of Government is rapidly changing. From the conception of a police state, Government is rapidly becoming a public-service-corporation state and, as in the United Kingdom, so in India, Government have found it necessary to augment the bureaucratic machinery to discharge the positive functions in the field of agriculture and general economic development. The administrative machinery of the future must not only be sufficient to carry out with firmness and efficiency the elementary, yet vital, task of maintaining law and order and public security, but, it must also be geared up to the task of carrying out the positive functions which Government are undertaking. The seriousness of the administrative problem and the vital importance of solving the administrative problem within the shortest possible time would be realised if the present facts of the situation are taken into account.

3. The administrative machinery under British rule was a comparatively small

one. The normal cadre of the I.C.S. in many Provinces is inadequate in relation to requirements and it is true to say that many large areas such as Bengal, Bihar, Assam, Orissa, are under-administered. This administrative machinery was intended, as mentioned before, to maintain law and order and to collect revenue. As a result of the additional tasks such as food control, cloth control, agriculture and industrial development undertaken by the Government during the war and the post-war years, even the normal cadres in Provinces have been greatly depleted by the demands of the Central Government and the Provincial Secretariats for senior civil servants with the result that the district administration, which has to bear the brunt of the burden of Government's essential functions such as law and order or development, has greatly suffered in strength and it is found difficult to get senior men of the right type for discharging these vital functions. Apart from this, it is clear as daylight that a further inroad will be made upon the depleted administrative strength with the disappearance of the non-Indian element from the superior services. The problem of administrative machinery and its strength must be viewed in the perspective that, from June 1948 onwards, India will be free not only from foreign domination but free from the foreign element in all the branches of its services. At the same time, for the next two years, India will be passing through the birth pangs of the new era of freedom which is taking shape. It is, therefore, of paramount importance that efforts should be made without the least possible delay to strengthen the administrative machinery and to place it in a position in which all the calls that might be made upon it in the sphere of law and order, food control, agriculture and industrial development, relief and rehabilitation, will and could be discharged with efficiency and speed. In the ultimate analysis, the contents of freedom and the purposes of the state are translated to the common man and woman in the factory or the field by the actions, the activities, the vigour and the character of the district administrator who is the symbol of Government's authority to them. Attention, therefore, must be concentrated on strengthening the district administration, both in its law and order and in its development aspect and experienced men must be found to man the district administration so that it could cope with the tasks that will confront it in the next two years.

4. What are the steps which the Interim Government have taken to ensure that the administrative machinery will not only not break down but will be strong, adequate and efficient to deal with every emergency situation that might arise after June 1948, so that Government could perform its elementary duty of governing? So far as is known, the only steps that have been taken are the constitution of the new administrative services from the war service candidates. Having regard to the stake involved in the situation, it is ever so essential that no time should be lost in strengthening the administrative machinery during the next 14 months by (i) supplementary measures to augment the administrative machinery and (ii) by enunciating and firmly implementing a policy designed to maintain sound, healthy and proper administrative traditions. As regards the first, it would be worthwhile drawing attention to an important source which

does not appear to have been taken into account by Government. It is appreciated that for the Heads of the district administration, civil servants with experience of district work must be found. Similarly, it is appreciated that for senior posts in the secretariat of a Government, civil servants with experience of district work also should be found. During the war, secretariats of the Central and the Provincial Governments have greatly expanded and a large number of young civilians, who could, with advantage, be employed for carrying out the essential district administrative tasks have been employed in performing duties which are either routine and unessential or which could be performed with greater efficiency and knowledge by technical men with practical administrative or secretariat experience. Instances of this are the junior secretariat posts up to the Joint Secretary level in development departments such as food, cloth, transport, planning and development, agricultural development and industrial development, and so on. In this connection, it is well to remember that a very large potential source of strengthening the administrative machine to perform such technical secretariat tasks and release the normal civil servants does exist and remains untapped. Before the war, a very large number of young Indians went abroad, year by year, to compete for the civil service and other examinations. These young men had the most brilliant academic careers in Indian universities. They won distinction at the foreign universities although they might have been unlucky to miss selection in the examination for which they competed. If one takes the period of the last 15 years, a large number of young men of high academic calibre and qualifications could be found who returned to India and entered different walks of life and might have, in fact, acquired a good deal of experience of commerce, industry, and administrative problems relating to commerce, industry and agriculture and who could easily be fitted in to the tasks which are now being performed by civil servants with less knowledge and greater inefficiency. In the same way as the recruitment to the foreign service, the Central Government in the Home Department should supplement the proposed administrative services by inviting applications from persons between the age of 25 and 40 who have first class academic qualifications and also the advantage of training at a foreign university and, in addition, who have administrative, secretariat or technical experience to their credit of commerce, industry or agriculture. Such personnel could, after an initial attachment of six months or a year in development or other control departments, be employed with great effect and usefulness in filling all the secretariat and other administrative appointments up to the level of a Joint Secretary in the secretariat at the Centre and in the Provinces. The same personnel, after they have worked for a few years in the secretariat, could also be treated as an economic civil service to supplement the normal district machinery for carrying out the developmental functions which are now being thrust upon district officers who regard them as additional burdens which are difficult to carry. Such recruitment will release a large number of young normal civil servants who could be placed at the head of the district administration and other important key jobs

which are essential and which may have to meet different types of emergencies in the next two critical years.

5. Apart from the question of strengthening the administrative machinery, the problem of maintaining and improving sound administrative traditions is of equal importance. It is realised that the district administrator of today is not the ruler of the people but is essentially a servant of the people carrying out the orders of Government who themselves are the first servants of the people. While this basic fact has to be recognised, there is a general complaint that under the responsible Governments now working in Provinces there is too much interference with the discretion of individual administrative officer from the Ministers, which not only lowers the prestige of the officer but also greatly weakens the efficiency of the administration. There can be no doubt that the Ministry is responsible for laying down the policy. There can be no doubt that the Ministry must supervise the actions of the public servants with a view to ensuring that the policy is being carried out according to its spirit. But, it is essential, if the fair name, the efficiency and the integrity of the popular Governments is to be maintained, that (a) intelligible, fair and impartial procedure should be followed in regard to the making of all appointments, and (b) once a policy is agreed upon, the public servants who are expected to carry it out should have the assurance that Government will fully support them in carrying out that policy and they would not be victimised to please the political supporters of the Ministry. In the initial stages of democracy, it is a likely occurrence that Ministerial interference with the administration may result in sound administrative traditions being thrown to the winds and nepotism, corruption, interference may grow rapidly resulting in a complete demoralisation of the public service of the country. The remedy for this is a firm enunciation of policy by the political Heads of the parties who control the Ministries that (a) the Ministries will not interfere with appointments which will be made only on considerations of merit, ability, experience and seniority, (b) the public servants would have the fullest support in pursuit of their duties and execution of their policies without fear or favour to the political supporters of the Government of the day, (c) the normal channels for procedure of business will be followed with a view to maintaining the prestige and the authority of the public servants who, in the last instance, are the symbol of Government to the people.

6. Stories of weakening of the administration, depletion of cadres, interference, corruption and inefficiency are a common tale in a large number of Provinces in India today. This is a serious threat to the administrative efficiency and to the capacity of the Government to govern, to maintain law and order and public security and to carry out their objectives of development policy in the critical years to come. The problem of administrative strength, administrative efficiency and administrative traditions is on a par with the problem of constitution-making and of sound economic and developmental policies. This, however, has not received the attention that it deserves and unless steps are taken to build up and strengthen adequate administrative machinery and traditions

before June 1948, there is a danger that a vacuum might be created in which the very foundation of the state will be at peril.

Rajendra Prasad

19. *From Vallabhbhai Patel*

New Delhi
19 February 1947

My dear Rajen Babu,

I am enclosing herewith a copy of a letter which I received from Mr. Prakasam in the evening when I returned home yesterday. It seems clear from the letter that his intention is not to carry out our instructions to call a meeting of the Party before the Budget session. I do not know what further action can be taken by us to impress upon him the necessity of carrying out our instructions. I think it would be better if you send him a wire insisting on his doing so.

Yours sincerely,
Vallabhbhai Patel

Copy to the Hon'ble Maulana Abul Kalam Azad, 22 Prithviraj Rd., New Delhi.

The Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

Enclosure not included

20. *From Dr. Sachchidananda Sinha*

Sinha Library Road
Post Box No. 62, G.P.O.
Patna
20th February 1947

My dear Rajendra,

I received, day before yesterday, your kind letter of the 15th, and note that you had received my book on Iqbal. You are so intensely busy with your multifarious activities that, I fear, it will be some time before you may expect to finish reading the book, but I trust you may be able to do so. You will tell me frankly what you think of it after you have gone through it.

What you have told me about the condition of Bhai Mathura Prasad is far from reassuring, but I am hoping for the best. It is a great satisfaction to me that

the best is being done for him in the circumstances of the case.

Lastly, we are all on the tip-toe of expectation to hear the announcement on Friday or Saturday to be made by the Prime Minister in the House of Commons, on the points in dispute between the Congress and the League. Sir Sultan was here for the last three days, and I had a long talk with him on the subject. His reading of the situation was that both the Congress and the League will continue in the Interim Government as now, but that the Constituent Assembly will not be disturbed in its work. That is what he said.

Hoping for the best, I remain with my blessings and good wishes,

Yours affectionately,
S. Sinha

P.S. Just now Murali conveyed to me your telephone message to him about the death of Bhai Mathura Prasad. I am profoundly grieved and distressed—all the more on receiving just now his last letter, enclosed herewith, which you will kindly send back in due course.

S. Sinha

Enclosure not included

21. *From M.S.M. Sharma*

THE DAILY GAZETTE

CONFIDENTIAL

Caxton House
Annie Besant Road, Karachi
28 February 1947

My dear Rajendra Babu,

Since my return here curious things are happening. Certain bizarre disclosures which came to light have formed that subject of a detailed communication to Sardarji who, if he thinks them worth any notice, will, I dare say, discuss them with you. But I could not understand the hymn of hate against you organised through the agency of so-called refugees from Bihar. I was somewhat disturbed to know that a dockyard strike is also being planned. It strikes me sometimes that the grain imports of the Interim Government might be entrusted to Bombay rather than Karachi which appears now to be in a diabolical mood.

If I am wanted, I am always willing to fly but there is little that I can add to what I have stated in my communication to Sardarji. I am now thoroughly sick of Sind and propose to ask if Mr. Birla would care to absorb me in one of his papers.

Should he ask for references, do you mind commending me to him?

Have you come to any decision about the other thing? Pray take care of your health. I shall never fail to pray for you every day. Can I forget your kindnesses to me in those far off days?

With kind regards,

I am,
Yours sincerely,
M.S.M. Sharma
Editor

The Hon'ble Dr. Rajendra Prasad.

22. *From G.E.B. Abell*

The Viceroy's House
New Delhi
3rd March 1947

My dear Dr. Rajendra Prasad,

His Excellency asks me to inform you that an announcement will appear in tomorrow's papers stating that Viscount Mountbatten will arrive in New Delhi on the 22nd March, and that H.E. will leave New Delhi on the morning of Sunday March the 23rd.

Yours sincerely,
G.E.B. Abell
Private Secretary to Viceroy

The Hon'ble Dr. Rajendra Prasad.

23. *From Dr. Sachchidananda Sinha*

Sinha Library Road
Post Box No. 62, G.P.O.
Patna
14th March 1947

My dear Rajendra,

It was not only good and kind of you, but more than that, to have taken the trouble to come round and see me even for a short time, during your very short

stay at Patna where you had numerous engagements. I felt very happy that there was at least one person amongst us who showed me such great consideration as you did. After you left, I had a fairly long interview with Mahatmaji. He was exceedingly kind and nice to me. We talked of the old days when both he and I were students in England in the early nineties of the last century. I told him that I was always at his service and he could always send for me whenever he thought that I could be of any little assistance to him. If you write to him, you may also kindly tell him the same on my behalf, if you think you should do so.

In view of the British Government's declaration of quitting India on the 20th of June at the latest, things in this country are, and are bound to be, topsy-turvy; and what is happening every day is what I always expect as a student of history. It is, more or less, the same that happened for more than half a century after the death of Aurangzeb in 1707. I hope our period of travail will be shorter. There are many other important matters, particularly affecting Bihar, which I would like to bring to your notice in letters, as there is no prospect of our meeting until, perhaps, the last week of April, but I shall not mention them to you now, until I hear from you in reply to this letter. I hope you will have returned from your Bombay tour by the time this letter is delivered to you.

Trusting all well, I remain, with my blessings and good wishes,

Ever yours affectionately,
S. Sinha

P.S. I have been deeply distressed to see in today's papers the news of your illness—probably fever-- due to overwork. Please take complete rest, until you fully recover, after which you may write to me.

S. Sinha

24. *To Murli Manohar Prasad*

1 Queen Victoria Road
New Delhi
17th March 1947

My dear Murli Babu,

I received your letter. I have received reports and had a talk with Sri Babu and Krishna Ballabh Babu when they were here about what is happening there. You have to see Mahatmaji and to explain to him the whole position. I cannot believe that he will form any opinion against anyone without giving full consideration to what he has to say and you can rest assured that no injustice will be done to you by him. The same applies to Jagat Babu also. I would advise you both to frankly

tell Mahatmaji whatever you have to say. Please communicate this to Jagat Babu also.

Yours sincerely,
Rajendra Prasad

Syt. Murli Manohar Prasad, M.L.A.
The Searchlight, Patna.

25. From Sudhir Ghosh

PERSONAL

India House
Aldwych, London, W.C. 2
18th March 1947

My dear Rajen Babu,

This is to introduce to you Alan Campbell-Johnson who is going out to India with Lord Mountbatten as his Press Secretary. He wishes to know you. I hope you will ask him to come and see you and he will have an early opportunity of a good talk with you. He has been very friendly to me and I know you will like him.

I hope you are in good health. My wife and I send you our regards.

Yours affectionately,
Sudhir Ghosh

26. To Vallabhbhai Patel

1 Queen Victoria Road
New Delhi
21 March 1947

My dear Vallabhbhai,

The Honourable Raja Yuvraj Dutta Singh of Oel, Member of the Council of State, and some other-friends from Oudh have seen me in connection with the proposal regarding the abolition of the zamindari system. Their desire is that before any final decision regarding the form of legislation is taken they should be given an opportunity of having a discussion with the Congress so that their points of view may also be fully considered. The matter has been under consideration of

the Provincial Governments but I do not think it is at the same stage in all the Provinces and I do not know if any proposals have been formulated in the United Provinces. I have advised them to see you and to suggest that either the Parliamentary Committee of the Congress or the Working Committee should take steps to get the proposals from the Province and hear what the zamindars have to say before finally giving its approval to the provincial proposals and before legislation is undertaken. I understand there are certain other measures which have already been either placed before the Legislature or are under contemplation which will have effect on the position of the zamindars. I hope you will kindly give them time so that they may place their point of view before you.

Yours sincerely,
Rajendra Prasad

The Hon'ble Sardar Vallabhbhai Patel.

27. From Vallabhbhai Patel

New Delhi
22 March 1947

My dear Rajen Babu,

Many thanks for your letter of the 21st instant which was brought to me by Hon'ble Raja Yuvraj Dutta Singh, Babu Gaya Prasad Singh and Mr. Akhtar Husain.

At the time they came, I was very busy, and so I could not see them.

I have already resigned from the Parliamentary Board, and Acharya Kripalani is now the Chairman. It is, therefore, unnecessary for me to meet those gentlemen or to discuss this matter with them. It would be best, I think, to refer them to the Chairman of the Parliamentary Board, Acharya Kripalani. But if you want me to see them, I will certainly see them.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Dr. Rajendra Prasad
New Delhi.

28. To J.B. Kripalani

1 Queen Victoria Road
New Delhi
23rd March 1947

My dear Kripalaniji,

I have received a communication dated the 13th March from Mr. P.C. Joshi, General Secretary of the Communist Party of India, with which he has enclosed a

memorandum of jail demands sent by Communist prisoners under detention in Vellore jail. I believe you have also received a copy of the communication. There is a lady named Kamala Ramaswamy who is the granddaughter-in-law of Dr. T.S.S. Rajan, ex-Minister of Madras. She is one of the detenues and is an expectant mother at present, being more than five months advanced in pregnancy. We should see that at any rate in her case the Ministry in Madras might show a concession and release her. I have no information in regard to the other points that are mentioned in the memorandum and I wonder if you had any talk about this matter during your Madras visit. We ought not to treat the political prisoners worse than what happened to all of us when we were in jail. I do not know how far the demands are justified. That, of course, is a matter on which the local Government alone can have information but the policy of Congress Governments should not be vindictive or callous. I am drawing your attention to this memorandum so that you may take such action as you may consider necessary.

Yours sincerely,
Rajendra Prasad

Acharya J.B. Kripalani
President, All India Congress Committee
New Delhi.

29. To C. Rajagopalachari

PERSONAL

1 Queen Victoria Road
New Delhi
The 2nd April 1947

My dear Rajaji,

Please accept my thanks for your D.O. letter No. WS-4(33) dated the 2nd April 1947 giving an account of the factories worked or established during the war period for war purposes. It is difficult for me to say how far the factories have been utilised for civil purposes to the extent they should or could have been utilised after the cessation of the war. I agree with you that the possibility of placing civil production on efficient basis and getting as full return as possible needs further and more independent investigation and the sooner it is undertaken by a competent body of experts, the better. I would suggest that we must find out, with regard to each factory, whether it is retained by the Defence Department or turned over for civil work, what its capacity is, and for the production of what

particular goods for civil consumption it is utilised and with what modifications and additions it will be fit for such use.

It appears that one Bren Gun factory has been sold to a Hyderabad industrialist in association with the Hyderabad Government. I wonder to what use the factory is going to be put. There are rumours, I do not know with what justification, that it is being utilised for manufacturing arms. I also hear that parts of arms are being imported from European countries, particularly Czechoslovakia, and these are being assembled in this factory. When I heard this report from a person, who, I believe, can be depended upon, I did not at that time pay any attention to it but from the information given in your letter it appears that there is substantial foundation for the report he gave me. I wonder what the effect of this is going to be on the future of the country. I am mentioning this so that we might have a talk about it.

Yours sincerely,
Rajendra Prasad

The Hon'ble Shri C. Rajagopalachari
1 Clive Road, New Delhi.

30. *From Purushottamdas Gaiha*

PERSONAL

5 E, Punchkuin Place
New Delhi
The 10th April 1947

Respected Dr. Rajendra Prasad,

I venture to address you a few lines for favour of your kind consideration.

I have had a fairly brilliant academic career and a good record of service as will be apparent from a statement of my qualifications and experience attached herewith.* I started in life as a humble clerk and rose to my present position more than four years ago, at the age of 29, by sheer dint of my hard and good work, which was highly appreciated by the highest authorities concerned.

In November last I was selected as the best candidate from some selected persons of the various Departments, for appointment as a Gazetted Superintendent in the Office of the Constituent Assembly of India. When my turn came for appointment I was sent for to take over charge from an acting Superintendent, who was to revert on my joining the post. I did not like the idea of taking place of a person who was already working and I was happy that he was allowed to continue as a result of my not joining the post. I naturally did not mention this in my reply to your office.

I have, however, been all along very anxious to have an opportunity to serve in the office of the Constituent Assembly, which will build the future Constitution of free India and particularly so under a distinguished genius of your calibre, whose life and work have throughout been devoted for emancipation and advancement of this country and its people.

I, therefore, venture to appeal to you to consider my case for any appointment, which my qualifications and experience may entitle me to get, in that office, preferably in your personal staff as Chairman of the Assembly. *I am addressing these lines to you with a sincere desire for service and I trust I will not have to go disappointed from your door.*

With best regards,

Yours respectfully,
Purushottamdas Gaiha

P.S. My official application, selection papers and other correspondence are already on record in Assembly office.

Purushottamdas Gaiha

Hon'ble Dr. Rajendra Prasad, M.A., M.L., LL.D.
1 Queen Victoria Road, New Delhi.

*Not included

31. To Lord Mountbatten

1 Queen Victoria Road
New Delhi
18th April 1947

Dear Lord Mountbatten,

I understand from Acharya Kripalani that you wanted to have information regarding the districts of Bengal and the Punjab which would fall in the Muslim and non-Muslim zones in case divisions of those Provinces are made. I have dealt with the question at length in my book *India Divided* but I may refer to the two maps at the end of the book which show in different shades the districts with Muslim and non-Muslim majorities and Indian States in blank. The figures are given in tabular form for the Punjab at pp. 239-246 and for Bengal at pp. 247-248. It will be noticed that in Bengal there are two districts on the border line—Dinajpur with a Muslim majority of 50.20%, and Khulna with a Hindu majority

Dr. Rajendra Prasad:

of 50.31%, and similarly in the Punjab there is the district of Gurdaspur with a nominal majority of Musalmans of 51.14%.

Yours sincerely,
Rajendra Prasad

H.E. the Right Hon. Viscount Mountbatten of Burma
Viceroy and Governor-General of India
New Delhi.

32. From Lord Mountbatten

The Viceroy's House
New Delhi
22 April 1947

Dear Dr. Rajendra Prasad,

Abell acknowledged your letter of 18 April about population figures in Bengal and the Punjab. I have since been looking at your book and am very grateful to you for drawing my attention to the information which I needed.

Yours sincerely,
Mountbatten of Burma

The Hon'ble Dr. Rajendra Prasad
Agriculture and Food Member
Government of India
New Delhi.

33. From Lord Mountbatten

The Viceroy's House
New Delhi
24 April 1947

My dear Dr. Rajendra Prasad,

Thank you for your letter of 23 April about the alleged burning of crops in certain parts of the Punjab. I am grateful to you for giving me this information and I will immediately draw the attention of the Governor of the Punjab to what you say.

I sympathise with you over your anxiety in regard to the food situation and I realise that things are not too good.

Yours sincerely,
Mountbatten of Burma

The Hon'ble Dr. Rajendra Prasad
Food Member
New Delhi.

34. *From Dr. E. Stanley Jones*

150 Fifth Avenue
New York
May 1, 1947

Dear Dr. Prasad,

I wrote to you on April 28th regarding a conversation with Mr. Jinnah. The substance of the conversation was this: Mr. Jinnah said, "Your suggestion is absurdly simple, but if the Congress would say that it would concede Pakistan, then I am prepared to say I will enter a union with the rest of India."

"And mean it?" I asked.

"Yes, and mean it," he replied.

I am compelled to report the sequel.

When one of the Congress leaders raised the question of what Mr. Jinnah meant by "union", I wrote to Mr. Jinnah on April 27th as follows:

In continuation of our conversation I write for clarification regarding one point.

When you said that "If the Congress would say that it would concede Pakistan, I would say that in that case, it is my intention to enter a union with the rest of India", I take it that you meant federal union. Is that correct?

This reply was received today:

Regret it was your own suggestion, thoroughly impracticable and contradictory.

From this complete repudiation of what he said to me, you will have to draw conclusions. I have drawn mine.

Very respectfully yours,
E. Stanley Jones

Hon. Dr. Rajendra Prasad
Food Member
New Delhi.

35. *From Dr. M.N. Saha*

UNIVERSITY COLLEGE OF SCIENCE
(DEPARTMENT OF PHYSICS)

92 Upper Circular Road
Calcutta
May 4, 1947

Dear Dr. Rajendra Prasad,

I have to give you a piece of very bad news. Sir Jadunath Sarkar's son, Dr. Abani Nath Sarkar, was stabbed by an assassin on the footpath near the Church at Dhurmatollah-Esplanade junction at 6 p.m. when there was full daylight, and expired 36 hours later at the Medical College Hospital. Sir Jadunath felt the shock so much that he has aged considerably and his life has been shortened.

Dr. Abani N. Sarkar was a brilliant student of the Calcutta University in Physics, and took his Ph.D. about 1926 in London. After that, he had operation of his tonsils, and became stone deaf. On account of this physical defect, he could not be confirmed in any job. He was for some time Reader in Physics in the Muslim University, Aligarh, and for some time served in the Meteorological Department. As he could not get any job, his father started for him a small press. He has two sons, 15 and 13. On the day of occurrence, he was returning from his press and looking for a train near the Church, when the assassin rushed from a lane, and made a 10" long cut through the lower part of his belly and ran away. His cries brought an Anglo-Indian young man called Erich, and a number of Padres who were having their Sunday Mass in the Church. They rendered whatever aid they could on the spot, and hurried him to the Calcutta Medical College. He lingered for 36 hours and then expired. His parents and relatives had time to see him. He communicated to his father, in feeble writing before his father, that his assailant looked like a college student.

While Abani was being attended to in the Medical College, a Moslem goonda was brought to the same place in a dying condition. He had stabbed a Hindu, but was caught, and was so severely beaten that he was on the point of death. In his

dying declaration, he said that he had sold his life for 25 rupees. He said that there was an organisation which pays 25 rupees for every Hindu murdered, and 15 rupees for every Hindu wounded. This was overheard by the Padres and the Anglo-Indian boy, and the medical attendants. They could not make out the name of the organisation. Whether the statement has been recorded is not known.

Several other prominent men have been murdered. As news is now censored by the Bengal Government, it is not possible to know all names. But one which has come to our notice is Mr. S. Das, an electrical engineer and grandson of the late Sarat Ch. Das, Tibetan Explorer in 1880. He with his two cousins had gone to Park Circus, to their ancestral house which they had abandoned on account of these disturbances, and while removing certain valuables were set on by 6 goondas in open daylight with flashing knives. A sergeant rushed in, but Das was fatally stabbed, and his cousins escaped with some wounds.

This may give you some picture of Calcutta. There is no law and order, people are being murdered in broad daylight. Hindus had to abandon their houses in border areas. Most of these incidents are not allowed to appear in the papers. The areas infested by the assassins are well known, but no action is being taken against them.

Thousands of telegrams are being sent to the Central Government supporting partition, as that appears to be the only solution. But I am told by a high officer in the Telegraph Department that these are being withheld by orders of the Bengal Government in exercise of their emergency powers. The Department is now under Sardar Abdur Rab Nishtar, and he is said to be trying hard to put communally-minded Moslem officers in key positions. So probably most of these telegrams are not reaching the Central Government.

I hope the members of the Interim Government will support the partition move, and thus save Bengal Hindus, and the city of Calcutta, from utter ruin which now faces them.

With kind regards,

Yours sincerely,
M.N. Saha

36. *To Dr. M.N. Saha*

1 Queen Victoria Road
New Delhi
The 5th May 1947

My dear Dr. Saha,

I got the bad news about the murder of Sir Jadunath's son two or three days ago and I wrote a letter to him. I do not know if it has reached him. Your letter

gives details about this crime and about the other crime in which it was the son of another friend of mine who is a victim. I wonder if Mr. S. Das was a son of Mr. Probodh Das, who was an advocate of the Calcutta High Court when I was there and we used to be very friendly. The position is most deplorable and most critical. I shall convey the contents of your letter to my colleagues here. We do not really know what we can do.

You must have seen my statement about the question of partition. My own feeling is quite definite and so far as other colleagues in the Government are concerned, their view is also equally definite. I had gauged the feeling in Bengal and everyday I am getting confirmation that I had done it rightly. You may rest assured that, so far as we are concerned, we shall do our best to secure partition of the predominantly non-Muslim areas from Muslim areas. Kindly do not hesitate to write to me if there is anything which you consider it is necessary to communicate.

Yours sincerely,
Rajendra Prasad

Dr. M.N. Saha, F.R.S.
Physics Department
University College of Science
92 Upper Circular Road
Calcutta.

37. *To Dr. E. Stanley Jones*

1 Queen Victoria Road
New Delhi
The 6th May 1947

Dear Dr. Jones,

Many thanks for your letter dated 1st May 1947. I am not at all surprised at the issue of your conversations. It only confirms our own experience.

Yours sincerely,
Rajendra Prasad

Dr. E. Stanley Jones
150 Fifth Avenue
New York, N.Y.

38. *From Sir B.N. Rau*

Grand Hotel
Simla
9th May 1947

Dear Dr. Rajendra Prasad,

As requested by you I have drafted a reply to Mr. Patel's confidential letter asking for a report on the work of Iengar and Tyabji.

If you wish to add any remarks of your own, please modify the draft as you think fit before sending it on to Patel. As Patel's letter is addressed to me and as the officers in question worked directly under me for some months I have taken the liberty of replying to him in my own name, mentioning the fact that the reply has been seen and concurred in by you. I hope you have no objection to this procedure.

Yours sincerely,
B.N. Rau
Constitutional Adviser

The Hon'ble Dr. Rajendra Prasad
President, Constituent Assembly of India
New Delhi.

Enclosure not included

39. *To Sir B.N. Rau*

Bhaktivilas
Trivandrum
16th May 1947

Dear [Sir B.N. Rau,]

I have received your letter of 9th May and also the enclosed letter to Mr. Patel. I have no alterations to make in that letter and I am sending it on to him as requested by you.

Yours sincerely,
Rajendra Prasad

Sir B.N. Rau, C.I.E.
Constitutional Adviser
Constituent Assembly, New Delhi.

40. *From Lady Abala Bose*

93 Upper Circular Road
Calcutta
17 May 1947

Dear Dr. Rajendra Prasad,

I have been reading with keen interest your speeches on the cooperative movement delivered in Madras, and as I am interested in the movement, having established a 'Women's Cooperative Industrial Home in Calcutta, I thought I might write about our difficulties.

I established the Home with the help of the Government of India. I happened to know Sri Biswanath Das, late Premier of Orissa, and asked him to come and see our work. He was so impressed that when a Conference of Premiers was held in Delhi he kindly recommended the grant. So we owe our organisation entirely to his sympathy and help. At present this grant is distributed by the Bengal Government through the Cooperative Department of Bengal. We established the Home to train workers and send them to their villages and open cooperative industrial societies among the women. Our work was progressing splendidly and we were thinking of opening markets abroad when the war began and everything was upset. Our house was taken by the military, our workers left for their villages. We began anew after the war ended but the Calcutta massacre again stopped everything. We are trying to revive again but now the difficulty is to get yarn. Our agent goes to the Textile Department to get permit for our quota and has to return without it. This goes on from day to day and he sees people who can bribe the officer-in-charge to get a permit whereas our man is refused an interview. I am writing this to you as your Government is carrying on a drive against corruption. Our Government is steeped in corruption, and there is no hope for us, unless we are masters of our destiny. This can only happen with a divided Bengal. It breaks our heart to think of dividing our beloved Bengal but there seems to be no other alternative.

People like us who are surrounded by the majority community and have witnessed the August massacre can't think of any way of escape except division. Neighbours with whom we have lived as friends for so many years seem to turn into brutes through communal passions. Hindus are traditionally pacifists, but their character is fast changing. If things go on like this there will be nothing left of our culture.

It pains the Congress-minded masses in Bengal that Dr. Syama Prasad Mookerjee is giving us the right lead and not the Bengal Congress, some of whom have even joined S. J. Sarat Bose, a renegade from Congress. It was not my intention to write to you in this strain, but all our thoughts are turned to our future. This is certain that we can't live under the League Government.

All our thoughts are turned to our leaders in Delhi for we have no reliance on Bengal leaders.

Yours sincerely,
Abala Bose

41. *From the Maharana of Udaipur*

Udaipur
20 May 1947

HONBLE RAJENDRA PD
QUEEN VICTORIA ROAD
NEW DELHI

INAUGURATING ON TWENTYTHIRD PRATAP VISHVAVIDYALAYA WITH HINDI MEDIUM ON ALL INDIA BASIS AM UTILISING AS MANY RESOURCES OF MY STATE AS POSSIBLE SHALL FEEL OBLIGED IF YOU CAN ACCEPT TRUSTEESHIP OF DEVASTHANNIDHI AND MEMBERSHIP OF PROVISIONAL GOVERNING BODY OF UNIVERSITY AND IF POSSIBLE GRACE THE OCCASION BY YOUR PRESENCE

MAHARANA

42. *From K.M. Munshi*

Udaipur
20 May 1947

HONBLE DR RAJENDRA PD
VICTORIA ROAD
NEW DELHI

MAHARANA UDAIPUR INAUGURATING PRATAP VISHVAVIDYALAYA ALL INDIA UNIVERSITY IN HINDI ON TWENTYTHIRD HE WOULD LIKE YOU TO BE THE FIRST TRUSTEE OF DEVASTHANNIDHI AND MEMBER OF THE PROVISIONAL GOVERNING BODY VISHVAVIDYALAYA STATE HAS PLACED CONSIDERABLE FUNDS AT DISPOSAL IT WILL BECOME ONE OF THE BIGGEST HINDI INSTITUTIONS IN THE COUNTRY PLEASE WIRE CONSENT IF POSSIBLE COME UDAIPUR TWENTYTHIRD FOR PRATAPJAYANTI WHERE ANNOUNCEMENT TO BE MADE

MUNSHI

43. *To the Maharana of Udaipur and K.M. Munshi*

New Delhi
22 May 1947

(1) HIS HIGHNESS MAHARANA UDAIPUR

(2) K M MUNSHI UDAIPUR

THANKS TELEGRAM STOP SORRY UNABLE TO REACH IN TIME TO ATTEND
INAUGURATION PRATAP VISHWAVIDYALAYA STOP WILL GLADLY SERVE AS
TRUSTEE DEVASTHANNIDHI AND MEMBER GOVERNING BODY OF UNIVERSITY

RAJENDRAPRASAD

44. *To Lady Abala Bose*

1 Queen Victoria Road
New Delhi
The 22nd May 1947

My dear revered Lady Bose,

I have received your letter dated the 17th May and I am very much pained to read it. I have as one of my Departments the cooperative movement to look after. It is ordinarily a provincial subject but the Central Government helps by advice and guidance to the Provincial Government. So from here it is not possible for us to interfere in the details of the administration which is really within the province of the Provincial Government and you can very well understand that it is not possible for me to take any effective steps to help your organisation there.

You might have seen in the papers that I have personally very strongly supported the division of Bengal if India is to be divided. So far as we are concerned, we here are unanimously of opinion that there is no other way except to divide Punjab and Bengal if the League insists upon the division of India. The whole matter is under the active consideration of the British Government and we shall get definite information about the attitude of the British Government when Lord Mountbatten returns next week. I can fully visualise and appreciate the situation in Bengal and should do everything that I personally can to be of any service. So far as the official Congress in Bengal is concerned, I understand that the Provincial Committee supports the proposal for division. I have met Sjt. Surendra Mohan Ghosh, President of the Bengal Provincial Congress Committee, on several occasions and he told me that the Congressmen, barring Sjt. Sarat Chandra Bose and some of his co-workers, are all in favour of division. But, of course, Sarat Babu has a position in public life and I am afraid his attitude is causing a misunderstanding of the position in Bengal. From the talk that I have had with all friends whom I have met, I gather that Sjt. Sarat Chandra Bose is

practically isolated and has no support for his viewpoint in Bengal. But Europeans and others, who are interested against the partition of Bengal, are making capital out of Sjt. Sarat Chandra Bose's opposition. That is unfortunate. We shall do what we can from here.

With kind regards,

Yours sincerely,
Rajendra Prasad

Lady Abala Bose
93 Upper Circular Road
Calcutta.

45. From Alan Campbell-Johnson

The Viceroy's House
New Delhi
27th May 1947

Dear Dr. Prasad,

Thank you very much for your letter of the 24th May inviting me to tea on Thursday. I shall be delighted to come.

Mr. Sudhir Ghosh was kind enough to write several letters of introduction for me in London last March, but unfortunately these were very much held up in transit and only in fact reached me last week.

I am very much looking forward to meeting you on Thursday.

Yours sincerely,
Alan Campbell-Johnson

46. To Satis Chandra Mukherji

1 Queen Victoria Road
New Delhi
The 5th June 1947

My dear Sir,

The other day I was in Calcutta just for a few hours and I happened to meet Dev Kumar who showed me the correspondence relating to a manuscript of an essay on Non-Violence which I had written in 1930 when I had the privilege of being with you at my village Zeradei. I had mentioned the matter in my

Atma-Katha but I never imagined that it would be the cause of so much trouble to you, particularly at your age and with your naturally feeble health. I am, therefore, very sorry that you have been put to so much trouble. I am glad, however, that it has opened the way for this letter. I have not yet received the manuscript or its typed copy which Dev Kumar told me had not reached. I would ask you not to worry any more about it and let it come in due course, without taking any particular trouble about it.

I hope your health, in spite of your age, is good. I am keeping fairly well, particularly during the hot weather when I ordinarily maintain good health.

You must be following the political developments that have taken place from day to day. Events are moving very fast and we hope that, by August next, we shall get what is called 'Dominion Status', which is said to be more or less equivalent to independence. As the Viceroy said yesterday at the Press Conference, H.M.G. will not appoint any Governor-General thereafter and we could keep or send away Englishmen who are at present in the service of the Government of India. But the country is to be divided and not only the country as a whole but also the two Provinces of Punjab and Bengal. It is an irony of time that the very people who fought against the partition of Bengal and got it reversed should now demand that it should be divided and that demand should be conceded just as the demand for the reversal of partition had to be conceded; but there was a more or less unanimous demand from Bengal Hindus and, so far as I know, Sjt. Sarat Chandra Bose was practically isolated. So now we are going to enter on a momentous period of our history, i.e., to run in according to our own notions and ideas. There are, of course, limitations and inhibitions arising out of past history. Let us pray that God will give us wisdom and strength to do the work honestly and diligently.

With kind regards,

Yours sincerely,
Rajendra Prasad

Sjt. Satis Chandra Mukherji
C/o Sjt. Prabhat Chandra Dam
D 47/180, Ramapura
Benares City.

47. To Dr. Sachchidananda Sinha

1 Queen Victoria Road
New Delhi
The 5th June 1947

My dear Sir,

I have not heard from you for a long time nor have I myself written to you. The reason undoubtedly has been great preoccupations. You must have followed the

trend of events and the latest position. Things have been moving at a tremendous speed and by the middle of August next, we shall have what may be regarded as complete independence, albeit over a reduced area. Considering all that was happening, and viewing the future, we felt that there was no escape from division unless we were determined to have a long period not only of uncertainty and instability but of strife, conflict and even bloodshed spread over large tracts of the country. I do not know if that is altogether eliminated. That will depend upon the attitude of the League and its supporters. We hope, however, that we shall be able to carry on the great constructive work of nation-building in an atmosphere of peace, if not of goodwill. The task is tremendous but we have tried our best to clear the ground for undivided concentration on its performance and fulfilment. There are many difficult and intricate problems still to be solved. The division of assets and liabilities, of services, of armed forces and settlement or agreement regarding transport and communications, coinage and tariffs, legations and other international organisations in foreign countries and in this country are some of the obvious points which will require detailed examination and adjustment. The settlement of boundaries is another complicated affair. Above all, the task of framing a Constitution, which will be more or less of a permanent nature, still remains to be tackled, although we have been working in the Constituent Assembly for six months now.

By passing an Act giving the status of Dominion and thus legalising and placing on a statutory basis the position of the Government in each of the two Dominions, the British Parliament will be in a sense providing for the interim period until our Constitution is framed. I was at one time thinking whether it would be necessary for us to pass a sort of a temporary Constitution, taking as our basis the Government of India Act, 1935, with appropriate amendments to enable us to run the administration until our permanent Constitution is framed. Along with that, we would be also working on the permanent Constitution so that even if the permanent Constitution is not ready when power will be transferred in June 1948, we would have a temporary Constitution to go by. But it seems they have relieved us of that burden and we shall have not only power transferred to us by August next, some 10 months before the date which they had fixed for it, but also a statute by which we could go until a permanent Constitution is framed.

In all this, we have not got all that we wanted. That was not possible but I trust that, on the whole, we have got a workable plan on which we can proceed. I am feeling that Pakistan will soon discover the utility of a union with India and will reconsider its position, and when that happens, we shall all be happy, but whether it comes about or not, we have to go ahead with the present plan.

I am keeping well. I hope you are also well.

Yours affectionately,
Rajendra Prasad

Dr. Sachchidananda Sinha
Sinha Library Road
Patna.

48. *From Dr. Sachchidananda Sinha*

Sinha Library Road
Post Box No. 62, G.P.O.
Patna
8th June 1947

My dear Rajendra,

I have just received your long, kind, and affectionate letter of the 5th June, and gone through it with intense interest. It represents a great deal of my own views on the subject. But while that is so, the fact remains that I am intensely sad and sorrowful at the partition of India—that too not in the interest of sound administration, but merely at the bidding of a communal group which has succeeded in browbeating both the British Government and the nationalist forces in the country. You will believe me when I tell you that, since the declaration was made by the Viceroy, I have felt it were better if I had not been living to see this great blight and disaster falling upon the country. I am sure you will appreciate my sense of discontent and despair.

I have received a number of telegrams and letters from various Press organisations to express my views, and I am trying to settle my thoughts for the purpose. If I succeed in doing so, I may attempt to say something, and I shall utilise in my article (without disclosing your identity) what you have said to me in your letter, and with which I agree to a very large extent.

Some days back Jagjivan Ramji was kind enough to send me a letter a copy of which I am enclosing herewith.* I am sending him a reply today, telling him that I shall do my best to prepare a note on the proposed separation of the Chhotanagpur division and the Santhal Parganas district, from the rest of Bihar, and their constitution into a separate Province. I have been looking into my old files and papers and collecting materials. I also had a talk on the subject with the Prime Minister and Pandit Binodanand Jha, and they have given me a note prepared for the Bihar Government by a Deputy Magistrate on special duty for this work. But that note is in a crude form, and will have to be recast by me and incorporated with much other material in a new note. The real difficulty is that excepting the information I have received from Jagjivan Ramji, I have got no other on this subject either from you privately, or from you officially through your Secretary. No one in Bihar seems to know when the Committee will be coming, and to what place. Kindly take the trouble to enquire into the whole matter and please give me the earliest information, so that I may be able to prepare my note, and also arrange to meet the Committee either at Patna, or at Ranchi, as the case may be. Kindly give me detailed information on the subject.

Lastly, you are possibly aware that the energies of our Ministry are at present absorbed in the district board elections; and, in fact, Pandit Binodanand asked me to write to you that the Committee should not come to Bihar until after the 15th of July, by which time the elections will have been over. But I have seen this

morning that the Constituent Assembly will be meeting sometime in July, and I do not know whether it will be possible for the Chhotanagpur Committee to postpone their visit till then. It is, therefore, that I have inflicted upon you this long letter. I hope you will kindly take the trouble to look into the matters mentioned by me in connection with the work of the Committee, and will give me full directions on the subject. Hoping to hear from you and trusting all well, I remain, with my blessings and good wishes,

Yours affectionately,
S. Sinha

*See Jagjivan Ram's letter dated 20th May 1947 to Dr Sachchidananda Sinha in Correspondence—Part II of this volume.

49. *To Dr. Sachchidananda Sinha*

1 Queen Victoria Road
New Delhi
The 11th June 1947

My dear Sir,

Many thanks for your letter of the 8th June 1947. I have already expressed my own feeling with regard to the developments that have taken place and need not say anything more at present. Things are moving at a tremendous pace here and probably the Bengal and Punjab Assemblies will be meeting in the third or fourth week of this month and they will be taking decisions with regard to the partition of those Provinces. The Dominion Status Bill is likely to be passed by the end of July or the beginning of August and actual establishment of Dominion Status will take place before the 15th of August. We have already started work at a great pressure in formulating the implications of the division and the examination of the question at higher level is likely to commence very soon in anticipation of the decision of the Bengal and Punjab Assemblies.

2. Two Committees appointed by the Constituent Assembly for laying down the principles of the Union Constitution and drawing up a sort of model Constitution for the Province have now practically completed their work. Their reports will be ready soon and will be circulated to the members. The Constituent Assembly itself is likely to meet about the middle of July to consider the reports of these Committees as also other matters left over for consideration by the last session. Thereafter the actual drafting of the Constitution will be taken in hand and when the draft is ready we may sit continuously for a number of days to pass the Constitution. This is the programme as at present envisaged.

3. The Tribal Area Sub-Committee has been touring the different parts of the country where there are tribes and Chhotanagpur remains to be visited by them. I think it was sometime ago that, perhaps, the question of separation of Chhotanagpur from Bihar was raised by Mr. Jaipal Singh and the people of his

way of thinking, and Sjt. Jagjivan Ram having come to know of this took the precaution of writing to you and to the Ministers to resist any such move if it is taken. The date of the visit of the Sub-Committee is not yet, as far as I know, settled. I say as far as I know because the Sub-Committee makes its own programme and I am not in possession at the moment of writing of what they have decided. But I know that a request has been made by various persons including Mr. Jaipal Singh that the visit might be postponed for a later date. I do not know what has been decided on that and will write to you later when the date is definitely fixed. Perhaps you will know that from other sources also. You may keep the memorandum which Sjt. Jagjivan Ram has asked you to prepare ready so that it may be placed before the Sub-Committee, if required, but it is just possible that the Sub-Committee may hold that it is not within its terms of reference to consider this question and, therefore, it should not take any evidence on that point for it may not make recommendations on it. The question was, I understand, referred to the Constitutional Adviser and I am told that his opinion is that it does not come under the terms of reference of the Sub-Committee. If that view is taken by the Chairman of the Sub-Committee, Thakkar Bapa, and I am told that is his provisional view also, then the question may not arise but in any case it would be better for you to be ready to deal with it. I hope you will be attending the Constituent Assembly in July. The Sub-Committee will probably see to it that its visit does not clash with the session of the Constituent Assembly.

Yours affectionately,
Rajendra Prasad

After dictating the above, I understand that the visit of the Sub-Committee is put off for the present.

Rajendra Prasad

Dr. Sachchidananda Sinha
Sinha Library Road
Post Box No. 62, G.P.O.
Patna.

50. *From H.M. Patel*

GOVERNMENT OF INDIA
(CABINET SECRETARIAT)

IMMEDIATE
SECRET

New Delhi
The 11th June 1947

The Cabinet Secretary presents his compliments to the Honourable Member for Food and Agriculture and is directed by His Excellency the Viceroy to

request that he will attend a meeting of the Special Committee of the Cabinet to be held at the Viceroy's House on Thursday, the 12th June 1947, at 10 a.m.

Agenda:

Machinery for implementing the Partition (summary attached).

H.M. Patel
Cabinet Secretary

The Hon'ble Dr. Rajendra Prasad.

Enclosure:

MACHINERY FOR IMPLEMENTING THE PARTITION

The Committee of the Cabinet has been appointed to work out and set up machinery necessary for examining the problems involved in implementing the partition and making recommendations, and for coordinating and progressing this process.

It is proposed that the organisation tentatively proposed in the summary entitled 'Administrative Consequences of Partition', which was placed before the Cabinet on the 6th should be approved. That organisation envisaged the Steering Committee as the primary instrument of the Partition Council. The functions of the Steering Committee should be to ensure: (a) that concrete proposals are evolved in time by the various Expert Committees; (b) that these proposals adequately dovetail into each other and form a comprehensive whole; (c) that the recommendations of the various Expert Committees are presented to the Partition Council in a suitable form; and (d) that the decisions reached are implemented in time. Subject to the terms of reference that may be laid down by the Cabinet Committee for each of the Expert Committees, the Steering Committee would have the authority to define and delimit their functions and to provide day-to-day guidance, advice and direction to them.

2. It is suggested that the Steering Committee should consist of 2 officials and should be nominated by the Committee of the Cabinet. It would undoubtedly be of some advantage for this Committee to have a Chairman if a suitable one could be found who was acceptable to both the Congress and the League. If, however, an acceptable Chairman could not be found, it would be possible for the Committee to function reasonably efficiently even without a Chairman, particularly as it will not be the function of the Steering Committee to take decisions, but merely to sift the evidence and the recommendations of the Expert Committees and to present the net result to the Cabinet Committee for its

decision. Where, therefore, the members of the Steering Committee are unable to agree among themselves, they would say so presenting at the same time the various arguments for and against each different principal point of view.

3. In order to secure speedy performance and effective coordination, the Secretaries of the Expert Committees, who will ordinarily be of the rank of Deputy Secretaries, should form part of the Partition Office which should be placed in charge of a coordinating Secretary who should also function as the Secretary of the Steering Committee.

4. Immediate decision is necessary (a) to constitute the Steering Committee and the Partition Office on the lines suggested above, and (b) to determine the number and general functions of the various Expert Committees.

5. As soon as the Steering Committee is constituted the Cabinet Committee should ask it to organise at once the Partition Office and to submit a paper for consideration at the next meeting of the Cabinet Committee (which it is suggested might meet again on Friday the 13th June at 10 a.m.). In this paper, the Steering Committee should make recommendations in regard to (a) the various Expert Committees which should be set up, (b) the terms of reference of each Expert Committee, and (c) the personnel of each of the Expert Committees.

6. If immediate provisional decisions of the Cabinet Committee can be given on the following two matters, the work of the various Expert Committees will be facilitated: (a) On what basis should the division of government servants in the Secretariat and in attached and executive offices be made, and (b) should facilities be provided immediately for the training of Muslim officers in the work of departments of which no Pakistan Muslim officer has any knowledge as, for example, is the case in regard to the External Affairs and Commonwealth Relations Department? Put differently, should departments be asked to provide facilities for the organisation of shadow departments?

In regard to (a) it is suggested that provisionally the Committee may approve of the following formulae:

(1) Government servants will be required to serve in Pakistan or in the rest of India, according to their domicile which for this purpose may be taken as their place of birth, except that government servants of the minority communities of either area will be given an opportunity to elect the government they wish to serve.

(2) It may be necessary in certain cases to make different arrangements during a transition period, for example, in regard to Railways, Posts and Telegraphs organisations. In such cases specific orders of the Committee of the Cabinet should be obtained on the basis of the recommendations of the relevant Expert Committee.

In regard to (b), the Committee may accept the broad principle that every effort should be made to enable the successor Governments to start off with as efficient an administrative machinery as possible. If this general principle is accepted, the Steering Committee in consultation with each department will determine the nature of the facilities to be afforded.

51. *From Satis Chandra Mukherji*

180 Ramapura
Benares City
14 June 1947

My dear Rajendra Prasad,

Your letter of the 5th instant. My health is on the downgrade, but I am still carrying on. I shall not worry over your manuscript about which I had completely forgotten, until I learnt something about it from Dev Chandra's father, who sent me some extracts from what you had written about it in your *Atma-Katha*. Even then, after a lapse of some sixteen or seventeen years, it was hardly possible for me to lay my hands on your manuscript, stowed away among a heap of forgotten things. Most fortunately for me, a friend of mine came to my rescue; and he it was, and not I myself, who discovered it for me. Only one page of the manuscript, however, is missing. Looking through it I found that I had done my work very carefully indeed, although I don't know whether you will be in a position to accept my views, such as they are, which I had jotted down towards the close of your manuscript.

My health is on the downgrade, my present age being eighty-three running. My legs are feeble, but I am enjoined to have regular, short walks, which I do by resting my hand on the shoulder of a kind friend. The lower limbs of the body have deteriorated, but the rest of the body is quite fit. I spend most of my time in reading and writing, much in the way I used to do when I was in my fifties. Pujya Mahatmaji has blessed me in a way, for his hope is that, under God's grace, I should be able to carry on till I have "finished my full span of 125 years". To this hope he gives expression in a letter dated Noakhali 9.12.1946.

But the main theme of your letter relates to the present political developments in the country. My view of the matter, however, is pessimistic. I fear that the centrifugal tendencies in the country are too strong to be brought under, if of course the present authorities choose to leave the country, as they assure us that they are going to do. For it seems to me that the solution of all other Indian problems relating to the well-being of the masses must wait till this primary one could be successfully tackled, and, if possible, solved. I am one of those who are very hopeful that the transfer of political power would be quite a peaceful affair. I pray therefore with yourself that "God will give us wisdom and strength to do our work honestly and diligently". But let me tell you that, from my point of view, the period ahead is a very strenuous one; and if the country is able to settle down within, say, the next three, four or even five years after the transfer of power has been formally effected, India will have indeed cause to rejoice.

I have said that we must all join in your prayer to the Almighty. Let us all pray He may set India on her feet as early as possible. But we must not forget what on the very day of His Crucifixion Jesus said, while praying, "Father, if thou be

willing, remove this cup from me. Nevertheless, not my will but Thine be done."

With love and regards,

Yours,
Satis Mukherji

Dr. Rajendra Prasad
1 Queen Victoria Road
New Delhi.

52. *From Dr. Sachchidananda Sinha*

Sinha Library Road
Post Box No. 62, G.P.O.
Patna
The 15th June 1947

My dear Rajendra,

I was, indeed, very happy to receive yesterday your long and kind letter of the 11th, in reply to my last letter. I am much obliged to you for your having given me detailed information about the various matters which I had mentioned in my last letter. The Bihar Assembly closed its session on the 21st May, and I should have gone to Ranchi for a change and rest immediately. But many friends from outside Patna (including Sir Tej Bahadur) asked me to stay here till the announcement had been made, as serious riots were expected to break out at the time. I have thus stayed on till now. Meanwhile I got a letter from the Labour Member asking me to prepare a note for the Committee appointed by the Constituent Assembly on the Chhotanagpur separation question. Not knowing when the Committee would visit Bihar, I have been working hard on the preparation of the note. It is only yesterday that I learnt from your letter that the visit of the Committee had been put off, for the present. I am glad to learn it. But even you yourself suggest that I should keep my note ready. Accordingly, I shall stay at Patna a week longer, and shall take with me the completed note to Ranchi, where I expect to arrive on the morning of the 23rd of this month. I shall show the note to the Prime Minister and his colleagues, for any further improvement that they might suggest.

I intend staying at Ranchi for at least fifteen days. I would like to have stayed there longer, for at least one month, but the difficulty is that you say that the Constituent Assembly will meet at Delhi by the middle of July. As a matter of fact, the papers have announced the 14th July as the date of the meeting. You know, perhaps, that my stay at Delhi in the depth of winter made me seriously ill on my return to Patna, in December last, and I continued to be ill for nearly three

months. Being seventy-six I want home comforts and convenience, and also the much milder climate of Bihar than the extremer one of Delhi. You kindly let me off in April from attending the last session. I hope you may do the same again until you take up the discussion in the final stage, when I would like to be present to record my vote for the Constitution. Now that the Muslim League is out of it, I earnestly hope you will see to it that the Centre is made exceptionally strong, and possesses power of control over, and interference in, the work of the Provincial Governments in times of emergency, with a view to preserve peace and tranquillity. You will thus see that except for the satisfaction of voting for the Constitution I would like to be exempted from prolonged stay at Delhi.

Another thing is that I stayed there with Mr. Samaldhari Lal, C.I.E., I.C.S., who, I understand, is at present in Europe. If you can find out from the Joint and Deputy Secretary in that Department the date of his return to Delhi, and kindly let me know it, I shall be in a better position to make up my mind one way or other. I fear, I have inflicted upon you a long letter, but you are the only person at Delhi who cares to give me all the information I need; and that is why you have to put up with my long letters

Hoping to hear from you in reply in some detail and to receive your advice in particular about my coming to Delhi in July, I remain with my blessings and good wishes,

Ever yours affectionately,
S. Sinha

P.S. I hope to hear from you in reply before I leave for Ranchi on Sunday next, the 22nd.

S. Sinha

53. *From Shiam Kumar Acharya*

BHARATIYA VIDYA PRACHAR SAMITI

Agra
18th June 1947

Venerable Dr. Prasad,

I had recently written to your goodself under Registered letter No. 1038 dated 4-6-47, and I beg to draw your kind attention to that communication. I am coming to Delhi on 14th inst., and propose to see you in connection with the work of the A.I. Sanskrit University, and some other important matter, for which I wrote to you as President of the Constituent Assembly.

For the A.I. Sanskrit University work in hand of our Samiti, I would seek your

blessings and cooperation for this great good cause under the directions of our worthy President Dr. N.P. Asthana, C.I.E., Vice Chancellor, Agra University, and our Patron, Hon'ble M.S. Aney, Ex-Member of the Viceroy's Council. This is my main object to see you. Incidentally, I will also like to show you, with your permission, my work on Law in Hindi, and if you so wish, you can make use of my services, which shall be at your disposal. In this connection I may inform your goodself that I have made the special study of almost all the Smriti Shastras in original, and so also of the modern law. Therefore I may be found useful for the Hindi/ Hindustani Law work of your Constituent Assembly. In this I seek no favour and merit alone may be the deciding factor. Since I have written some books, in what you call Hindi/ Hindustani, I may be eminently suited to the work of that nature. I am not without sacrifices and my contributions, as an Indian, to the Congress cause also.

I propose to see you on the 16th inst., when you may be free from A.I.C.C. session. You may kindly inform me about the time and date of interview at my following Delhi address:

Shiam Kumar
C/o Prof. V G. Deshpandey
Hindu Mahasabha
Reading Road, New Delhi.

Yours very obediently,
Shiam Kumar Acharya
Hony. General Secretary

54. *From the Private Secretary to the Viceroy, Viceroy's Camp (Kashmir)*

No. 9-SK

CONFIDENTIAL

20th June 1947

IMPORTANT

FOLLOWING FOR FOOD MEMBER FROM VICEROY I HAVE SEEN SUMMARY RECOMMENDING NAMES FOR DELEGATION TO CONFERENCE IN PARIS 2 PRESUMABLY FOOD ORGANISATION OUGHT TO REMAIN JOINT FOR PAKISTAN AND THE REST OF INDIA AFTER 15TH AUGUST IF POSSIBLE WOULD IT NOT HELP IF YOU COULD GET MEMBER OF DELEGATION AGREED WITH LEAGUE IF YOU CONSIDER THIS IMPRACTICABLE BECAUSE OF TIME FACTOR OR OTHERWISE I ACCEPT YOUR PROPOSALS BUT I HOPE YOU WILL TAKE ACTION ON MY SUGGESTION IF POSSIBLE

PSV VICEROY'S CAMP (KASHMIR)

55. To the Private Secretary to the Viceroy

CONFIDENTIAL

New Delhi
21 June 1947

IMPORTANT

FOLLOWING FROM FOOD MEMBER FOR VICEROY YOUR TELEGRAM NO 9-SK DATED 20TH JUNE REGARDING DELEGATION TO CEREALS CONFERENCE IN PARIS HOSAIN IMAM WHOM I HAD NOMINATED IS PRESIDENT COUNCIL OF STATE AND FORMER MEMBER MUSLIM LEAGUE WORKING COMMITTEE I HAVE HOWEVER CONSULTED LIAQUAT ALI KHAN WHO HAS PROMISED REPLY TOMORROW

FOOD MEMBER

56. From H.M. Patel

GOVERNMENT OF INDIA
(CABINET SECRETARIA¹)

IMMEDIATE
SECRET

New Delhi
The 24th June 1947

The Cabinet Secretary presents his compliments to the Hon'ble Member for Food and Agriculture and is directed by His Excellency the Viceroy to request that he will attend a meeting of the Special Committee of the Cabinet to be held at the Viceroy's House on Thursday, the 26th June 1947, at 10 a.m.

Agenda

1. Procedure for the appointment of Governors of Provinces. (No papers.)
2. The replacement of the Special Committee of the Cabinet by the Partition Council. (No papers.)
3. Preliminary arrangements for the setting up of the Central Pakistan Government in Karachi. (Note attached.)
4. A note by the Commander-in-Chief on the retention of British Officers in India. (Attached.)
5. Letter regarding option to Secretary of State's Officers issued in anticipation of approval. (Attached.)

H.M. Patel
Cabinet Secretary

The Hon'ble Dr. Rajendra Prasad.

57. From Jawaharlal Nehru

SECRET

New Delhi
25th June 1947

My dear Rajen Babu,

I enclose a copy of our draft 'standstill' agreement which I am sending to Lord Ismay. After a further talk with Rajaji, Rau and Bajpai it was decided not to make any alterations in this and to leave it as short and simple as possible, in accordance with our previous decision.

Yours sincerely,
Jawaharlal

The Hon'ble Dr. Rajendra Prasad.

Enclosure:

SECRET

The 'standstill' agreement should be on the following lines:

Preamble. Whereas it is expedient that certain existing relations and arrangements between the Indian States and the rest of India should, for their common benefit, continue in force while negotiations for new or modified relations and arrangements are in progress between the authorities concerned:

Now, therefore, it is agreed between the parties that:

1. No State shall be liable to pay any cash contribution falling due after (here mention date on which Dominion Constitution comes into operation) in so far as it exceeds the value of any privilege or immunity which the State enjoys.

2. Until otherwise provided by mutual agreement, a State shall be entitled to the continuance of any privilege or immunity which it enjoyed immediately before (here mention date on which Dominion Constitution comes into operation) provided that it continues duly to fulfil all conditions or reciprocal obligations attached to each such privilege or immunity.

Explanation. The terms 'cash contribution' and 'privilege or immunity' in the above clauses have the meanings assigned to them in section 147 of the Government of India Act, 1935.

3. (1) Until new agreements in this behalf are completed, all relations and arrangements as to matters of common concern now existing between the Crown and any Indian State shall continue as between the appropriate successor Government and the State.

(2) In particular, the matters referred to above shall include those specified in the Schedule annexed.

4. Until otherwise provided by mutual agreement, the criminal, revenue and civil jurisdiction heretofore exercisable in any Indian State of Class III as defined in para 11 of the Indian States Committee's Report 1928-29, by, or by persons

acting under the authority of, the Crown Representative shall hereafter be exercisable by, or by persons acting under the authority of, the appropriate successor Government.

SCHEDULE

- | | |
|------------------------------|--------------------------------------|
| 1. Air communications | 10. Irrigation and electric power |
| 2. Arms and equipment | 11. Motor vehicles |
| 3. Control of commodities | 12. National highways |
| 4. Currency and coinage | 13. Opium |
| 5. Customs | 14. Posts, telegraphs and telephones |
| 6. Defence | 15. Railways |
| 7. External affairs | 16. Salt |
| 8. Extradition | 17. Taxation |
| 9. Import and export control | 18. Wireless |

NOTES ON CLAUSES

Clauses 1 and 2 correspond to clauses (1) and (2) of the Political Department's draft, except in one respect. The effect of the latter is to remit all cash contributions payable by the States while preserving to them for two years the privileges or immunities which they are enjoying. This seems rather one-sided: even section 147 of the Act of 1935 did not permit the remission of any cash contribution except insofar as it exceeded the value of any privilege or immunity enjoyed by the State. The effect of the clauses as re-drafted is to remove the two-year limit, and to set off the privileges or immunities against the cash contribution.

Clause 3 corresponds roughly to clause (3) of the Political Department's draft, but with certain important differences. First, it will be noticed that in the Schedule referred to in the clause, we have proposed to insert three new subjects—defence, external affairs, and extradition. Defence and external affairs are the most important matters of common concern, as they involve the security of the whole of India. Extradition is also an obvious matter of common concern. Secondly, clause (3) of the Political Department's draft is limited to the scheduled matters, whereas, according to the present draft, the enumeration in the Schedule is merely illustrative and not to be regarded as exhaustive. Every matter of common concern, whether it is mentioned in the Schedule or not, comes within the meaning of the new clause, although for greater certainty some of the more important matters have been enumerated in the Schedule. A third point of difference between the two drafts is that the two-year limit occurring in the Political Department's draft has been omitted in the revised draft, which substitutes the phrase 'until new arrangements in this behalf are completed', following in this respect the wording of paragraph 4 of the Cabinet Mission's memorandum of May 12, 1946. Lastly, while the Political Department's draft refers to 'existing administrative arrangements', the redraft refers to 'all relations

and arrangements', which is a more comprehensive phrase. In regard to external affairs in particular, the term 'relations' is more appropriate than 'arrangements'.

It should be noted that relations and arrangements as to defence and external affairs are not only covered by the phrase 'regulations of matters of common concern' occurring in para 4 of the Memorandum, but also by the phrase 'political arrangements' occurring in para 5.

Clause 4. This is new, there being no corresponding clause in the Political Department's draft. It applies only to certain petty States, particularly in Kathiawar and Gujarat. According to paragraph 11 of the Butler Committee's Report, there are 327 of these petty States classed by the Committee as estates, jagirs, etc. The total area of these States is less than 6,500 sq. miles and the population at the time of the Committee's Report was less than one million. The Rulers of these States exercise petty judicial powers, such as, trying criminal cases punishable with not more than three months' imprisonment and Rs.200 fine, and disposing of civil suits up to Rs.500 in value. The residuary powers have been exercised in the past by the Crown Representative or by persons acting under his authority. It cannot be the intention that after the termination of Paramountcy, say, in August 1947, these petty States are to attain a status that they never had during the last 150 years and to acquire almost overnight powers of life and death. Obviously, therefore, some kind of standstill agreement is necessary for the exercise of the residuary jurisdiction. In a large number of cases, the Crown Representative has under various attachment schemes transferred his jurisdiction to the 'Attaching State'. The effect of clause 4 is that the residuary jurisdiction will in future fall to be exercised by, or by persons acting under the authority of, the successor Government. If the successor Government chooses to adopt the existing attachment schemes in regard to the Attached States, it can do so by passing an appropriate order to that effect, and, in that event, the residuary jurisdiction will fall to be exercised by, or under the authority of, the Ruler of the Attaching State. If, however, the successor Government chooses to depart from the attachment scheme in any particular instance, it is free to do so. Clause 4 as drafted leaves the successor Government free to adopt any course which it deems best.

58. *From Dr. M.N. Saha*

UNIVERSITY COLLEGE OF SCIENCE
(DEPARTMENT OF PHYSICS)

92 Upper Circular Road
Calcutta
June 25, 1947

Dear Dr. Rajendra Prasad,

We are deeply grateful to you for your exertions for the cause of Bengal. The *fair*

accompli has now to be worked out successfully.

My friend Dr. Suniti Kumar Chatterjee, Professor of Linguistics in the Calcutta University, has made a deep and life-long study of the problems of National Flag, and National Coinage, and has requested me to forward to you his writings on the subject. I shall be grateful if you can kindly utilise them.

Dr. Chatterjee's services on any committee which may be formed for the purpose of flag and coin design would, I think, prove very valuable on account of his deep knowledge, and objective approach to the problem. I hope you may find it possible to utilise his services if need be.

With kind regards,

Yours sincerely,
M.N. Saha

59. *From Sir B.N. Rau*

June 26, 1947

Dear Dr. Rajendra Prasad,

The position re appointment of the Governor-General and the Governors in the Dominions is as follows:

Governor-General:

Canada	Appointed by the King on the advice of the Dominion Ministry.
Australia	
South Africa	
Ireland	No Governor-General. President elected by the people.

Governors:

Canada	The Provincial Heads are called Lieut. Governors and are appointed by the Governor-General on the advice of the Dominion Ministry.
Australia	The Governors of the States are appointed by the King, usually on the advice of the State Ministry.*
South Africa	The Constitution being of the unitary type, the Provincial Heads—styled Administrators—are appointed by the Governor-General on the advice of the Dominion Ministry.

*This is what I gather from the Australian High Commission's office; the usual books are not very explicit on the point.

Yours sincerely,
B.N. Rau

60. *To Dr. Sachchidananda Sinha*

1 Queen Victoria Road
New Delhi
The 26th June 1947

My dear Sir,

Please excuse the delay in writing to you in reply to your letter of the 15th June 1947. I am sorry I could not write to you earlier. The Constituent Assembly has now been formally fixed for the 14th July and subsequent days. At this session we shall take up the reports of two Sub-Committees appointed by the Assembly for the purpose of laying down the principles on which the Union Constitution should be framed and a model for Provincial Constitutions. The two Sub-Committees have prepared their reports which will be considered and when these have been adopted they will be entrusted to Draftsmen for preparing the draft of the Constitution. As a matter of fact Sir B.N. Rau is already working at the draft but this will be regularised by the resolution of the Assembly and the work of drafting will also have been expedited. You may, therefore, not disturb yourself for attending this session and wait for the final session which will be a prolonged one and which may come up in September or October next. Preparations for division are going on and the various departments are busy preparing materials for decisions on disputed points. We have only 50 days from now when power is transferred. The Viceroy has got a small calendar prepared in which below the date the number of days still remaining between the date mentioned and the 15th August is mentioned and this calendar is kept on the table of officers in all the departments so that they may know from day to day that date of transfer is approaching. I give below today's calendar:

26th June 1947

50

days less to prepare

for transfer of power

The number in the centre goes on diminishing from day to day and so by the time this reaches you we shall have probably only 45 days left for the transfer of power. Naturally work is going on at a great speed.

I understand that Sjt. Jagjivan Ram will be leaving Geneva on his return journey from the Conference on the 13th July and Mr. Lall will probably be coming about the same time.

Yours affectionately,
Rajendra Prasad

Dr. Sachchidananda Sinha
Sinha Library Road
Patna.

61. *From V. Narahari Rao*

FINANCE DEPARTMENT

New Delhi
The 27th June 1947

Dear Dr. Rajendra Prasad

I am enclosing herewith a copy of a note which I have sent to H.M. Patel of the Partition Committee regarding the arrangements to be made for my work on the Expert Committees in the event of my having to proceed to U.K. for the interim sterling balances settlement.

Yours sincerely,
V. Narahari Rao

The Hon'ble Dr. Rajendra Prasad, M.A., D.L.
Member in Charge
Food & Agriculture Deptt. of the Govt. of India
New Delhi.

Enclosure:

(Copy of Note by V. Narahari Rao)

FINANCE DEPARTMENT

H.M.G. have now telegraphed to us stating that it is impossible for any of their officers to come to India for discussing the interim arrangements for the sterling balances as their officers are fully preoccupied with negotiations with other countries. They have, therefore, urged that a few officers must be sent from here with the least possible delay.

2. The Committee consisting of the Hon'ble Members, Finance, Transport and I. & S. and the Governor recommended that in the event of our having to go to London for interim arrangements I, as the seniormost officer of the Finance Department, should proceed with Messrs. Nehru and Cayley. The question has been circulated to Cabinet Members.

3. If Government decide that I should go to the U.K. it will be necessary to make arrangements for my work on the Expert Committees of the Partition Committee. I would suggest that Mr. K. Sanjiva Row, now on leave, be appointed by the Partition Committee of the Cabinet to take my place on Expert Committee No. 11 and Mr. B.K. Nehru's place on Expert Committee No. V. Before his appointment to the Federal Public Services Commission Mr. Sanjiva Row was a Joint Secretary in the Finance Department and he was an expert on high finance in particular. He had dealt with all the problems connected with the Burma separation up to the stage of the final orders on the Amery Tribunal. I can

think of no officer who can surpass him.

4. A good deal of ground has already been cleared regarding the general principles to be applied for the division of assets and liabilities and I can confidently say that our team consisting of Messrs. Sundaram, K. Sanjiva Row, S. Ratnam and Rangachari will be as good as any that can be formed in India and can hold their own. If the Hon'ble Members Sardar Patel and Dr. Rajendra Prasad approve my suggestion the Partition Office will presumably take the necessary steps to nominate Mr. Sanjiva Row on the two Expert Committees and inform him accordingly. Mr. Sanjiva Row is still an official on leave. I would have preferred recalling him and posting him as an Addl. Secretary in the place of Mr. Yaqub Shah who has gone on to the Steering Committee of the Punjab. Unfortunately this is not possible unless the decision that Mr. Yaqub Shah should continue to be the Addl. Secretary is changed.

V. Narahari Rao
27.6.1947

62. *From Dr. N.B. Khare*

Alwar
2 July 1947

My dear Dr. Rajendra Prasad,

Reference your D.O. dated 20 June 1947.

It was very kind of you to give me this appointment to wait upon you for an informal discussion about Alwar and some other States joining the Constituent Assembly. I regret I could not keep this appointment because I was suddenly called to Bharatpur and had to leave at 5 a.m. on 29 June.

I am glad to inform you that Alwar has at long last joined the Constituent Assembly and I have sent an official communique to this effect to the Secretary of the Constituent Assembly of India.

I am now writing this letter on behalf of Bharatpur State, whose ruler has also appointed me as an Adviser in these matters. Bharatpur is also anxious to join the Constituent Assembly along with the State of Karauli, which is also anxious to do the same. But there are some difficulties in the way which are as follows:

There is a group of States called the Eastern Group of Rajputana States, which includes about 13 States. The group, having a population of about 3 million, is allotted three seats in the Constituent Assembly and the Raja of Bundi has been appointed the convener for the purpose of selecting them. This group includes the three States of Bharatpur, Karauli and Dholpur. These 3 States are divided from the other 10 States headed by Bundi by the whole of Jaipur State and have nothing in common with the 10 States. The 10 States headed by Bundi have got a population of about 2 million and the three States, viz., Dholpur, Bharatpur and

Karauli, have got a population of a little over a million. I have to request you, therefore, to kindly split this Eastern Group of Rajputana States into two sub-groups—one headed by Bundi with eight or nine other States having two representatives to the Constituent Assembly and [the] other consisting of Dholpur, Bharatpur and Karauli into another sub-group entitled to send one representative [to] the Constituent Assembly. If you kindly help me in this matter, [the] Bharatpur group will immediately join the Constituent Assembly. I think since the names of the three representatives from this Eastern Group of Rajputana States are not announced it may be possible to grant my request. If not, if you could see your way anyhow to provide one seat for this group of Bharatpur, I shall be grateful.

Yours sincerely,
N.B. Khare

Dr. Rajendra Prasad
Chairman, Constituent Assembly
New Delhi.

63. *From Jawaharlal Nehru*

New Delhi
5th July 1947

My dear Rajendra Babu,

I enclose a copy of a letter I have received from Jayaprakash. You have already seen it. I enclose also a copy of my reply to him.

Yours sincerely,
Jawaharlal

The Hon'ble Dr. Rajendra Prasad
President, Constituent Assembly of India
New Delhi.

Enclosure 1:

(Copy of a letter from Jayaprakash Narayan to Jawaharlal Nehru)

Delhi
3 May 1947

My dear Bhai,

As you are very busy I have not thought it proper to take your time.

I am writing to inform you that the National Executive of the Socialist Party has now allowed, in the changed circumstances, its members to join the Constituent Assembly if invited to do so. If it is proposed to take some members from our group to fill up the vacancies that are to be created, I should like to recommend the following names: Acharya Narendra Deva, Aruna Asaf Ali, Rammanohar Lohia, Purushottam Trikamdas, Kamaladevi, Rao Patwardhan, Asoka Mehta, among others. Achyut is not in India, but if he comes back in time, he too should be included.

I should like my name to be left out. I am saying this not out of modesty, but I do not have the time to attend to fresh tasks nor have I the aptitude for this kind of work.

I have hesitated to write this letter, for it goes against my grain to ask for things. Had I to write to somebody else, I am sure the letter would have been unwritten.

With love and regards,

Yours,
Jayaprakash

Enclosure 2:

(Copy of letter from Jawaharlal Nehru to Jayaprakash Narayan)

New Delhi
5th July 1947

My dear Jayaprakash,

I have received your letter of the 3rd July. I am very glad that you have decided to allow members of the Socialist Party to join the Constituent Assembly. We shall welcome the persons you have suggested and we shall try to get them in, but I may point out that it is no easy matter now for vacancies to be created or to be filled. This is largely a provincial matter and there is a tremendous desire among Congressmen to come into the Constituent Assembly, more especially as this is going to function as a Legislative Assembly. It is difficult to issue orders from here as to who should be elected and who should not. In some Provinces it will be relatively easier than in others. So far as I know, there are not likely to be many vacancies, as most people want to stick on to the Constituent Assembly anyhow.

I have sent a copy of your letter to Rajendra Babu.

Yours sincerely,
Jawaharlal Nehru

Shri Jayaprakash Narayan.

64. *To Satis Chandra Mukherji*

1 Queen Victoria Road
New Delhi
The 5th July 1947

My dear Sir,

It is so kind of you to take the trouble of writing to me in your present age and health. Please don't worry about the manuscript.

We all realise that we have very difficult times ahead and will require all the goodwill of friends and all the intelligence, tact, integrity and character that those who are engaged in the work can bring to bear upon the solution of the many problems with which they are faced. At the present moment we are engaged in the actual act of partition of the assets and liabilities of the Central Government in Delhi as between India and Pakistan and of the Governments of Bengal and the Punjab as between the two Provinces in which each has been divided. The work is difficult and detailed and has to be completed as far as possible before the 15th of August. Whatever remains over will be still more difficult to perform after the 15th of August. The Indian Independence Bill was introduced in the House of Commons last night and it is hoped that it would be passed into law by the 20th of July. As you may have seen, it establishes two Dominions with virtually complete power to pass any law and to repeal any law passed by the British Parliament including the present Act establishing the Dominions. So it virtually gives independence and as soon as we are able to frame the Constitution of our own, we can do whatever we like with our country. That gives us power but, more than that, it places heavy responsibility on us. With the food situation in the country, the heavy burden of war debts and all kinds of disruptive forces working and pulling in different directions, the prospect is by no means such as to create easy complacency but, as you say, we must pray for might and strength with the one single purpose of serving India.

With respects,

Yours sincerely,
Rajendra Prasad

Sjt. Satis Chandra Mukherji.

65. *From Vallabhbhai Patel*

Aurangzeb Road
New Delhi
7 July 1947

My dear Rajen Babu,

I am enclosing herewith a copy of the letter which I have received from Mr. Rustamji of Nagpur. He raises a point which is worth consideration. The

question is whether Mr. Sidhwa, who is a resident of Pakistan area, can now continue to be a member of the Constituent Assembly. It is to be remembered that he was elected by the C.P. Provincial Assembly. But at the time when the election was made, India was one and, therefore, we put him up there to provide for an additional seat to the minority community of the Parsees. Just as Gibbons has sent his resignation from West Punjab, I think Sidhwa also should do so. But you have to consider this question and issue necessary instructions. •

Yours,
Vallabhbhai

The Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road
New Delhi.

Enclosure:

(Copy of a letter from R.F. Rustomji to Vallabhbhai Patel)

Civil Station
Nagpur
5 July 1947

Dear Sardar Saheb,

I trust that you will remember the writer of this letter. I had seen you and we had some correspondence about a year ago in connection with certain matters, and last year I had again seen you and had corresponded with you in connection with the Constituent Assembly. You may remember that you had approved of my candidature for one of the seats from Central Provinces. As you may have forgotten all these facts in the midst of your multifarious and onerous duties, I enclose for ready reference copy of a letter* which you had addressed to a local friend in connection with my candidature. Thereafter I have been asked to stand down in favour of my friend Mr. Rustam Sidhwa, which I was very glad to do.

There are rumours here that Mr. Sidhwa may not be able to continue as a member of the Constituent Assembly. If this is so, I wish to remind you once more of my candidature. I am coming to Delhi in connection with some professional work and I hope to pay my respects to you on or about the 10th of this month. I trust you will be able to spare a few minutes for me.

In case you may have forgotten the details in this connection, I may mention that I have been practising as a lawyer for the last 15 years. I am a Lecturer in Constitutional Law etc. in the University College of Law at Nagpur. I am, I think, the only student who had yet passed in International Law in the LL.M. Examination of this University. For several years past I have done my little bit to support the cause of the Congress.

Yours sincerely,
R.F. Rustomji

*Not included.

66. *From Dr. Syama Prasad Mookerjee*

PRIVATE

77 Asutosh Mookerjee Road
Calcutta
7th July 1947

My dear Rajendra Babu,

I have just received confidential information regarding the unsatisfactory arrangement made for the division of assets and liabilities at H.M. Security Printing Press, Nasik Road, Bombay. I am writing this to you to enable you and Sardarji to take such action as you consider desirable.

The Master of the Press who was recently called to Delhi to meet Mr. Liaquat Ali Khan, has been asked to select two officers as members of the Assets and Liabilities Committee. The two members selected are Khan Sahib Kapadia, Chief Inspector of the Currency Note Press (representing Muslims) and Mr. L. Bessant (representing non-Muslims). Mr. Bessant is an Anglo-Indian who had previously sent in a declaration that he wanted to serve in Pakistan and his decision was not provisional but final. He is completely under the influence of the Moslem League minded officers and the report which he and the Muslim officers will frame will be entirely one-sided. Meanwhile Khan Sahib Kapadia has been called to Delhi for further consultation.

The importance of the division of the assets and liabilities of the Security Printing Press is obvious. I hope you will please confidentially enquire into the matter and take such steps as may be necessary in order to protect our legitimate interests.

Yours sincerely,
Syama Prasad Mookerjee

P.S. I enclose copy of a letter which will give you information regarding the working of the Workshop Building Project at Kanchrapara. This is under the Government of India and I cannot understand why such an open policy of communal favouritism should be adopted by the officers.

Syama Prasad Mookerjee

The Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road
New Delhi.

Enclosure not included

67. *From Lord Mountbatten*

The Viceroy's House
New Delhi
7th July 1947

Dear Dr. Rajendra Prasad,

Thank you very much for your letter, dated the 5th July 1947, tendering your resignation of office.

2. I am informing H M. the King, and meanwhile shall be grateful if you will agree to carry on until the Cabinet is reconstituted.

Yours sincerely,
Mountbatten of Burma

The Hon'ble Dr. Rajendra Prasad.

68. *From Dr. Sachchidananda Sinha*

Ranchi
9 July 1947

My dear Rajendra,

I received yesterday your long and kind letter of the 5th July. I have noted, with satisfaction, the last paragraph of your letter in which you have written about Suresh Prasad Verma, in whose welfare I also am deeply interested like yourself. I have conveyed to him your message that you have asked Lat Babu to keep his case in mind, and to remind you, whenever a suitable occasion presents itself, for doing something for him.

As I wrote to you in my last letter, I arrived at Ranchi on the 23rd June, and would be staying here till the 20th of this month, when I return to Patna. I was able to prepare, by yesterday, the first draft of my memorandum on the subject of the separation from Bihar of the Chhotanagpur division and the Santhal Parganas district. I gave a copy of it to Krishna Ballabh to go through it carefully, and to make suggestions for its improvement, and being cast into the final form based upon his personal knowledge and experience of the subject. He has promised to give it to me by day after tomorrow. The difficulty is that the latest accurate figures are not available, either about the Christian and the non-Christian aboriginal population, or about the income and expenditure, district by district. The latter can be supplied only by the Accountant General, who has been putting off the matter from day to day, but has promised to give the figures to me by the

end of this week. I am hoping for the best.

If the Sub-Committee do not go to Patna, I am not sure that I shall be able to appear before them at Ranchi, in August, when, I believe, they are expected to come here. It is very difficult at present to secure accommodation at Ranchi. I am staying here in the house of Mr. Arjun Roy, Architect-Engineer, whose father, the late Mr. J.N. Roy, Bar-at-Law, was an old friend of mine. He must have been known to you also, when you were practising in the Calcutta High Court. Just at present they are living in Calcutta, and have kindly placed their house at Ranchi, situated on the Kanke Road, at my disposal. But as it is almost impossible to secure servants at Ranchi these days, I have had to bring with me from Patna as many as eight servants, including a Mehtar and a Paniwala, besides cook, mate, motor driver, etc. It would be a terrible business to bring them all again for a day or two, if I have to appear before the Sub-Committee at Ranchi. It was, therefore, that I requested you to arrange things in such a way that the Sub-Committee may come to Patna also for a day, either on their way to Ranchi or on their way back from Ranchi. I heard last night on the radio that Shri Jagjivan Ramji had returned from Geneva. If so, I shall be grateful to you by your kindly talking over matters with him also and arranging things in such a way that the Sub-Committee may give me a chance at Patna to appear before them and present my note to them and be of course cross-examined by those members who may care to do so.

Lastly, in regard to the public affairs, I must tell you frankly that I am at present in a very miserable state of mind, and I apprehend very serious troubles before long. I had a letter yesterday from Sir Tej Bahadur, who, though physically incapacitated, is mentally quite alert and vigilant, and he fully shares my view that the chances are that before long we shall be thrown back into the conditions which prevailed in India early in the 18th century after the death of Aurangzeb in 1707. None will be happier than Sir Tej Bahadur and myself if our apprehensions and anticipations prove groundless. But I feel that things at present are very gloomy, indeed.

Hoping to hear from you in one of your usually long, kind and affectionate letters, in which you will say something which will cheer my drooping spirits, I remain, with my blessings and good wishes,

Ever yours affectionately,
S. Sinha

P.S. If you have time to spare kindly give me some information about (a) the dissolution of the present Central Assembly, (b) the conversion of the Constituent Assembly into the Central Legislature in place of the present Assembly, (c) the option said to be given to those who like myself and several others are at present members of the Provincial Legislatures and also of the Constituent Assembly, and (d) any other connected matters.

S. Sinha

69. *To H.M. Patel*

1 Queen Victoria Road
New Delhi
11th July 1947

My dear Patel,

I am enclosing copy of a letter which I have received from Calcutta from a friend.* Will you kindly have the matter looked into so that no mischief is done. I have passed on the letter mentioned in the postscript to Dr. Matthai.

Yours sincerely,
Rajendra Prasad

H.M. Patel, Esquire, I.C.S.
Secretary, Steering Committee
Partition Council
Cabinet Secretariat, New Delhi.

*See Dr. Syama Prasad Mookerjee's letter to Dr. Rajendra Prasad, dated 7 July 1947

70. *To Dr. John Matthai*

1 Queen Victoria Road
New Delhi
11th July 1947

My dear Dr. Matthai,

I have received a letter from Dr. Syama Prasad Mookerjee, drawing attention to the fact that in the Workshop Building Project, Kanchrapara, Muslims are being preferred to Hindus in the appointments and he has sent me a copy of the representation which has been submitted to the Engineer-in-Chief, Workshop, Kanchrapara. I am enclosing the same so that you might be good enough to consider the matter. I know how difficult it is to control things from here, but at the present moment we have to be extra vigilant and cautious so that no injustice may be done to anyone. As the Workshop is going to be in India it may deserve your attention.

Yours sincerely,
Rajendra Prasad

The Hon'ble Dr. John Matthai, C.I.E.
2 King Edward Road
New Delhi.

Enclosure not included

71 *To Abul Kalam Azad*

1 Queen Victoria Road
New Delhi
The 11th July 1947

My dear Maulana Saheb,

I have received your letter of date. Ordinarily a Sub-Committee of the Constituent Assembly decides as to who should present its report to the Constituent Assembly. No decision was taken yesterday as another meeting of the Sub-Committee would take place before its report is finalised. It would be in the next meeting of the Sub-Committee to take a decision on the point and to nominate any member for the purpose. Personally I do not think it would be right for me to put a proposition like this from the Chair as it is possible that some members may have to say something about the proposition and any controversial proposition had better be placed by a member and not by the Chairman of the Constituent Assembly. I would raise this question at the next meeting of the Committee and ask it to give its decision.

Yours sincerely,
Rajendra Prasad

The Hon'ble Maulana Abul Kalam Azad
New Delhi.

72. *From Dr. John Matthai*

PRIVATE AND PERSONAL

New Delhi
12th July 1947

My dear Rajen Babu,

I have just received your letter of the 11th instant regarding appointments in connection with the Kanchrapara locomotive project. As you know, we have suspended the whole project until the Boundary Commission completes its work. It is by no means certain that Kanchrapara would be included in India. I understand a case is being prepared on behalf of Pakistan for presentation to the Boundary Commission regarding this matter. We are also looking into the question and preparing our own case. You may rest assured that the matter is having my anxious attention.

Yours sincerely,
John Matthai

The Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road
New Delhi.

73. *From H.M. Patel*

Partition Office
New Delhi
The 12th July 1947

My dear Dr. Rajendra Prasad,

I enclose herewith N.R. Sarkar's letter to you* together with a draft reply to it** which is on the lines we agreed upon this morning. If you agree will you kindly issue it (by air) and then return to me Mr. Sarkar's letter which I could keep on my record. In anticipation of your approval I am giving an advance copy of your reply to S.N. Ray who is leaving early tomorrow.

Yours sincerely,
H.M. Patel

The Hon'ble Dr. Rajendra Prasad.

*Not included

**See the approved version of the draft in Dr Rajendra Prasad's letter to N.R. Sarkar, dated 13 July 1947.

74. *To N.R. Sarkar*

1 Queen Victoria Road
New Delhi
The 13th July 1947

Dear Mr. Sarkar,

Will you kindly refer to your letter dated the 11th instant asking for our views on some of the difficulties that have arisen in your discussions at Calcutta? We have also had the advantage of discussing them with Mr. Ray and our views are set out below.

As regards the valuation of Government khas mahal property and forests for the purposes of a division or of financial adjustment we agree that this should not be accepted. These assets should accrue to the Province in whose territory they lie and there should be no question of valuing them or treating them as common assets.

As regards buildings their distribution between the two Governments will be decided by their location. Their value should be taken into account in the financial settlement and for this purpose only the book value (or the estimated value at the time of acquisition where no book value is available) should be taken. There should be no question of ascertaining their present market value. If the other side propose to make enquiries about their present value they are welcome to do so in the sense that we shall not try to stop them but we should refuse to agree to this basis or accept their findings. We should also not agree to any grants

for the purpose of improving or bringing their buildings up to date.

They can have immediate possession of the Dacca Government House but East Bengal should pay for all its improvement.

As regards roads and bridges, we are still of the view that they should not be taken into the financial settlement. If, however, the other side insist on finding out the cost we need not object to it as it commits us to nothing.

We feel that the capital cost of the canals should be taken into account in the financial settlement. The fact that the Government of India have written off the debt on this account does not alter the fact that they are assets. Their book value should be taken and not the capitalised value of their present earnings. No question should, therefore, arise as to how the earnings are to be estimated.

The cost of shifting staff, equipment, etc., to the new stations in East Bengal should be borne by the East Bengal Government.

With kind regards,

Yours sincerely,
Rajendra Prasad

N.R. Sarkar, Esq.
"Ranjani"
237 Lower Circular Road
Calcutta.

75. From H.M. Patel

CABINET SECRETARIAT

New Delhi
15th July 1947

Dear Dr. Rajendra Prasad,

Many thanks for your letter of the 11th July enclosing a letter addressed to you by a friend in Calcutta regarding the Security Printing Press, Nasik. The Committee mentioned in that letter was not appointed by any of the Committees dealing with partition, and if any such Committee is actually operating, it must be doing so in an informal way at the instance of the Muslim members of the Sub-Committee here. Our representatives in the appropriate departmental committee have refused to consider the transfer of part of the Security or Currency Note Press to Pakistan. I do not think any action is called for in this matter.

Yours sincerely,
H.M. Patel

The Hon'ble Dr. Rajendra Prasad.

76. *From H.M. Patel*

GOVERNMENT OF INDIA
(PARTITION OFFICE)

IMMEDIATE
SECRET

New Delhi
The 17th July 1947

The Steering Committee present their compliments to the Hon'ble Dr. Rajendra Prasad and are directed by His Excellency the Viceroy to request that he will attend a meeting of the Partition Council to be held at the Viceroy's House at 10 a.m. on Saturday the 19th July 1947.

Agenda

1. Continued shipment out of India after 15th August 1947 of stores etc., the property of H.M.G.
2. Purchase of tanks in the United Kingdom.
3. Allocation of the Indian Signal Corps between the two Dominions.
4. Allocation of supply units of the R.I.A.S.C. between the two Dominions.
5. Allocation of State Saloons of the N.W. Railway.
6. Reports of Departmental Sub-Committee of Expert Committee No. 1 on item (a) (i) of the terms of reference of the Expert Committee relating to the following Departments:
 - (a) Home
 - (b) Information and Broadcasting
 - (c) Agriculture and Food
 - (d) Labour
7. Duplication of recorded files for the Pakistan Government.

(Papers in regard to these items are attached.)

H.M. Patel

The Hon'ble Dr. Rajendra Prasad.

Enclosure:

(Item 1: Continued shipment out of India after 15 August 1947 of stores etc., the property of H.M.G.)

RECOMMENDATION OF THE A.F.R.C

Under the wartime financial settlement and up to 1 April 1947, when that settlement ceased to be operative, all stores and equipment of the Armed Forces

in India were the property of H.M.G. in U.K. Between the end of the war and 1 April 1947 a final determination was made of stores and equipment required by India's Armed Forces and action had been completed to meet all needs that could be satisfied from the surpluses available in India. Payment for these surpluses was to be effected through the settlement of the sterling balances. Of the remaining stocks the Service Ministries of H.M.G. in the United Kingdom earmarked certain quantities that they themselves desired to remove from India. Any remaining balances were placed at the disposal of the Indian Government for purchase.

2. Stocks earmarked by H.M.G. for removal ex-India come generally under the four following headings:

- (a) M.T. vehicles (preponderantly military type)
- (b) Ordnance general stores
- (c) Engineer plant, equipment and stores
- (d) R.A.F. ammunition and stores.

Shipment of item (a) has been in progress for over six months. Shipments of items (b) and (c) started recently. Shipment of item (d) is planned to begin shortly. The total tonnage to be lifted is estimated at 125,000 tons plus *6,000 lorry-type vehicles* and 1,000 motor cycles. If existing arrangements are continued, shipping programmes should be complete by April 1948.

3. It is clearly desirable that the removal of these stores from India, which are surplus to the requirements of India's Armed Forces and are required by H.M.G. whose property they are, should be allowed to continue. Formal recognition of this continuation is required together with a definition of the authority responsible for controlling it.

4. The Partition Council are, therefore, requested to agree:

- (i) that the programme should continue;
- (ii) that control should be vested in Armed Forces Headquarters acting under the order of the Joint Defence Council.

RECOMMENDATION OF THE STEERING COMMITTEE

The Steering Committee consider that this recommendation should be accepted.

(Item II: Purchase of tanks in the United Kingdom)

RECOMMENDATION OF THE A.F.R.C.

Prior to the decision to divide the Armed Forces between the two Dominions orders had been placed in the United Kingdom for the supply of certain armoured fighting vehicles (tanks) as part of the normal long-term re-equipment

policy of the Indian Armoured Corps. Information has now been received from the United Kingdom that the type of tank ordered cannot be supplied and a different type has been offered as a substitute. In order to enable manufacturers to plan their programmes, an immediate decision is required if delivery is to be made during the current year 1947-48, as was planned under the original order.

The Armed Forces Reconstitution Committee was asked to decide whether the substitute tank should be accepted or whether the order should temporarily be cancelled. They were of opinion that the division of the armoured corps into two separate forces, each smaller than the present Indian Armoured Corps, makes it desirable that the composition of the two new armoured corps should be brought under review and that this review is the responsibility of the new Commander-in-Chief of each Dominion, who should then advise his Defence Member before committing the government to the purchase of expensive equipment which may not be exactly what is required.

As it is obviously impossible to obtain this decision from the new Commanders-in-Chief in time to place the orders in the U.K., the A.F.R.C. consider that it would be wiser temporarily to cancel the orders. There will be no immediate effect on the efficiency or training of the armoured corps of either Dominion, and when the decision has been taken the re-equipment programme can be completed in the same number of years as before by slightly increasing the number of tanks to be delivered annually.

RECOMMENDATION OF THE STEERING COMMITTEE

The Steering Committee agree.

(Item III: Allocation of the Indian Signal Corps between the two Dominions)

RECOMMENDATION OF THE A.F.R.C.

The Indian Signal Corps is divided into:

- (a) static units;
- (b) units forming part of field formations (divisions, brigades, etc.)

The static layout originates from General Headquarters, New Delhi, and runs to the three Command Headquarters and thence to areas and sub-areas' headquarters covering the whole of India. Communications consist of:

- Radio telephone and telegraphy controlled and manned by the Services;
- Line telephone and telegraphy rented from P. & T. Department and by the Services;
- Courier system by rail and air.

The Armed Forces Reconstitution Committee accepted the recommendation of the Army Sub-Committee that the existing static layout should be retained until reconstitution is complete when it will be open to the Commander-in-Chief of the two Dominions to make any readjustments they consider necessary. A new triangular link between Karachi, Rawalpindi and Eastern Pakistan is at the moment being planned as a supplement to the existing layout.

The Director of Signals will rearrange the class-composition of static signal units by cross-posting of appropriate personnel, but as the maintenance of an efficient signal layout is essential to the reconstitution, cross-posting must not be so accelerated as to interfere with efficiency.

The A.F.R.C. further decided that as the allocation of signal units forming part of field formations must follow the allocation of those formations between the two Dominions, a point on which no firm recommendation has yet been made by the Army Sub-Committee, the distribution of formation signals should be considered at a later date.

RECOMMENDATION OF THE STEERING COMMITTEE

The Steering Committee recommend confirmation of these decisions.

(Item IV: Allocation of supply units of the R.I.A.S.C. between the two Dominions)

RECOMMENDATION OF THE A.F.R.C.

Supply units of the R.I.A.S.C. are divided into:

- (a) static units located at supply depots organised to correspond with military areas;
- (b) supply units forming part of field formations.

The personnel of all supply units is mixed.

For reasons explained in connection with their decision regarding the static layout of the Indian Signal Corps, the A.F.R.C. decided that the static supply layout should remain unchanged until reconstitution is complete, but that the cross-posting of personnel should begin at once with due regard to the maintenance of efficiency.

In addition there are three reserve supply depots located at Lahore, Panagarh and Avadi (near Madras) which are directly controlled by G.H.Q. After the departure of British troops from India, these reserve depots will no longer be necessary in the Order of Battle of either Dominion and the Committee directed General Headquarters to plan to disband them as soon as suitable arrangements can be made for the disposal of the stocks they now hold.

There are also in existence certain field bakery units which serve only British troops. The Committee directed they should be disbanded as British troops are

withdrawn.

For the reasons explained in the previous item on the Agenda the allocation of supply units forming part of field formations will be decided concurrently with the decision regarding the formation they serve.

RECOMMENDATION OF THE STEERING COMMITTEE

The Steering Committee recommend confirmation of these decisions.

(Item V: Note by the Departmental Sub-Committee for Railways— except Committee No. 2)

The North-Western Railway owns 18 saloons used by High Government Officials other than Railway Officers. The details of these saloons are indicated in the statement attached.

2. The Departmental Sub-Committee (Railways) of Expert Committee No. 2 would be glad to have a directive regarding the distribution of these saloons between Pakistan and India.

M.J. Chugtai K.C. Lall
9.7.47 9.7.47

Steering Committee.

RECOMMENDATION OF THE STEERING COMMITTEE

The Steering Committee consider that the allocation may be made as indicated below:

- (1) Saloons 8, 9, 10, and 11 which form a unit should continue in India, and saloons 38 and 39 which form a unit should be allotted to Pakistan.
- (2) Saloons 15, 16, 18, and 40 should be allotted to Pakistan and saloons 20 and 31 should continue in India.
- (3) The six saloons 27, 28, 29, 30, 36, and 37 should be divided equally between India and Pakistan.

H.M. Patel Mohamad Ali

State Saloons

Saloon No.	To whom allotted	Stabling station
8	Viceregal train	C. & W. Shop
9	Viceregal train	C. & W. Shop
10	Viceregal train	C. & W. Shop

(Contd.)

The President,

Indian National Congress Constituent Assembly of India

New Delhi

Through the President, Indian National Congress.

Dear President, 22/7/47

On the historic occasion of the transfer of power to our hands on the 15th August, 1947, the members of the Constituent Assembly. We think that it would be in the fitness of things, that the Father of the Nation, Mahatma Gandhi, be requested to address the Constituent Assembly of India and address the Constituent Assembly of India at the Mahal.

New Delhi
22.7.47.

- 3 T. T. Wilson 20 Khemchandilal
- 4 M. C. Chatterjee 21 G. P. Ramchand Reddy
- 5 B. J. Chatterjee 22 K. K. Kamuraj
- 6 B. K. S. Rao 23 B. K. S. Rao
- 7 B. K. S. Rao 24 B. K. S. Rao
- 8 B. K. S. Rao 25 B. K. S. Rao
- 9 B. K. S. Rao 26 B. K. S. Rao
- 10 B. K. S. Rao 27 B. K. S. Rao
- 11 B. K. S. Rao 28 B. K. S. Rao
- 12 B. K. S. Rao 29 B. K. S. Rao
- 13 B. K. S. Rao 30 B. K. S. Rao
- 14 B. K. S. Rao 31 B. K. S. Rao
- 15 B. K. S. Rao 32 B. K. S. Rao
- 16 B. K. S. Rao 33 B. K. S. Rao
- 17 B. K. S. Rao 34 B. K. S. Rao
- 18 B. K. S. Rao 35 B. K. S. Rao
- 19 B. K. S. Rao 36 B. K. S. Rao
- 20 B. K. S. Rao 37 B. K. S. Rao

P.T.O.

Page 2

56. Ramalananda
57. K. M. Jodha
58. Renuka Ray
59. ~~2000 2000 2000~~
60. ~~2000 2000 2000~~
61. ~~2000 2000 2000~~
62. ~~2000 2000 2000~~
63. Jayendra Singh
64. Ganesha Singh
65. P. S. D. Singh
66. B. K. Singh
67. Satis Chandra Singh
68. Arun Chandra Singh
69. S. V. Krishna Rao
70. Narendranath Barman
71. P. L. Chatterjee
72. Gagan Nath Singh
73. Mahesh Chandra Singh
74. Gopalbhai D. Bhatt
75. Rao Raja: Jayendra Singh
76. K. P. Tripathy
77. Yashvir Singh
78. R. P. Potai
79. Suresh Chandra Singh
80. Raj Kishore
81. ~~Kamendra Singh~~
82. ~~2000 2000 2000~~
83. ~~2000 2000 2000~~

84. Jagdish Chandra
85. ~~Pranab Chandra~~
86. Singh
87. S.T. Sharma & Co.
88. Santanu Kumar Das
89. Anand Kumar Das
90. ~~Pranab Chandra~~ (C.P.)
91. ~~Pranab Chandra~~ (C.P.)
92. Pradyumn Das
93. ~~Pranab Chandra~~ (C.P.)
94. Dip Narayan Singh
95. ~~Pranab Chandra~~
96. J. Samir Chandra
97. ~~Pranab Chandra~~
98. R. Chandra
99. ~~Pranab Chandra~~
100. ~~Pranab Chandra~~
101. ~~Pranab Chandra~~
102. ~~Pranab Chandra~~
103. Bhagwat Prasad
104. ~~Pranab Chandra~~
105. ~~Pranab Chandra~~ (H.R. Chandra)
106. ~~Pranab Chandra~~
107. ~~Pranab Chandra~~ (H.R. Chandra)
108. ~~Pranab Chandra~~

- 109 - B. A. Mandal (C.P. & B.N.)
110 A. K. Ghosh (Bihar)
111 " " " " " "
112 Manmohan D. (U.P.)
113 " " " " " "
114 " " " " " "
115 " " " " " "

Saloon No.	To whom allotted	Stabling station
11	Viceregal train	C. & W. Shop
15	A.G.G., Baluchistan	Quetta
16	H.E. Governor, Sind	Karachi
18	G.O.C. 'N' Command	Rawalpindi
20	Army Deptt.	Delhi
27	Members, Viceroy's Council	Delhi
28	Members, Viceroy's Council	Delhi
29	Members, Viceroy's Council	Delhi
30	Members, Viceroy's Council	Delhi
36	Members, Viceroy's Council	Delhi
37	Members, Viceroy's Council	Delhi
31	Resident, Punjab States	Lahore
38	H.E. Governor, Punjab	Lahore
39	H.E. Governor, Punjab	Lahore
40	H.E. Governor, N.W.F.P.	Peshawar

Note: (a) Saloons 8, 9, 10 and 11 form one unit consisting of sleeping car (No. 8), lounge car (No. 9), dining saloon (No. 10), and kitchen carriage (No. 11).

(b) Nos. 38 and 39 form one unit, in which No. 38 contains the living rooms for His Excellency and 39 contains the dining saloon and rooms for the Private Secretary and A.D.C.s as also kitchen pantry etc.

77. *From P.K. Naik*

110 Chandani, Thana
23rd July 1947

Re: *The National Flag*

Respected Sir,

I hope the following matter will receive your valued consideration.

Whatever expression one may try to find from the symbol, wheel, on the National Flag, the fact remains that the selection of its colour has gone altogether wrong.

Astronomically, every planet has a colour of its own and holds magnetic influence of a particular kind, in shaping the destiny of men or nations, under its influence. There, the colour Blue is representative of the मन्दग्रह (Mandagraha) the Saturn, which denotes slow action, and as such its association with wheel—the symbol of progressive movements—is quite inappropriate. Furthermore, the wheel represents 'आत्मा' (Atman), the soul of materialistic,

celestial, cosmic and other worlds, who is no other than the Sun, the radiator of the powerful and unfailing energy, and who is distinguished by his Golden colour.

Similarly, according to 'रसकार' (rasakara) every रस (rasa) is attributed with a particular kind of colour different from the other rasas in the 'नवरस' (navarasa) group, as stated below:

(1) शृंगारः श्यामवर्ण	(Romance: Blue-black)
(2) वीरः हेमवर्ण	(Valour: Golden)
(3) करुणः कपोत	(Pathos: Light grey)
(4) रौद्रः रक्त	(Rage: Red)
(5) हास्यः शुभ्र	(Ridicule: White)
(6) बीभत्सः नील	(Vulgar: Blue)
(7) अद्भुतः पीत	(Wonder: Yellow)
(8) शांतः चन्द्रवर्ण	(Peace: Moonlight)
(9) वात्सल्यः कमलगर्भ	(Calf-love: Bright-pink)

Here also Blue is described as 'बीभत्स' (Vulgar), and as such its use is quite undesirable. Naturally, therefore, our final choice would be restricted to the use of only two shades of colour, viz., Golden or Red, the former expressive of valour and light-energy and the latter being treated as auspicious by the Hindus.

Yours faithfully,
P.K. Naik

78. From V.V. Bapat

PRISONERS' WELFARE COMMITTEE, MAHARASHTRA

405 Narayan Peth
Poona-2
23rd July 1947

Sir,

It is now a settled fact that the date of transfer of power to Indian hands is fixed at 15th August 1947. Every Indian is proud of this achievement of the Congress fight for freedom during the last sixty years and over. Indian Independence Bill is passed by the British Parliament and now it has become an Act.

15th of August will now be the golden day in the history of India and every Indian, old or young, will celebrate the freedom day as a great function never known before, when every Indian will enter a new life free from foreign bondage. On such an auspicious occasion it is the duty of the Government to see that no Indian be forced to live in such a state as would not enable him to join the unique rejoicings that will be celebrated in this vast country. It is the desire of this

Committee that the Government should not forget the unfortunate group of persons who are in jails, convicted under the laws of a foreign rule. This Committee feels that it is the duty of the free Government to give some of these unfortunate prisoners a new chance to pass their [future] life as free citizens of a free nation. These prisoners have been convicted either on account of their faults or on many occasions on account of unfortunate incidents for which they were not responsible.

Therefore, on the freedom day these unfortunates may be allowed to breathe a new life as free citizens of a newborn free nation. All countries in the world have declared general amnesty to prisoners on such occasions of rejoicings. India cannot be an exception. In fact India should be more keen on this point since we have won our freedom without shedding a drop of blood. It is a rare instance in the history of the whole world

We, therefore, request you that the present Constituent Assembly, which will automatically be the successor government, should decide that by 15th of August a general amnesty to the prisoners is declared, except those whose freedom is a danger to society but they should be shown some mercy. The C.P. and Berar Ministry has already declared on 12th of July 1947 to release certain categories of prisoners not convicted of heinous crimes on August 15 to mark the occasion. Therefore, while deciding more important problems, kindly do remember to release some of these unfortunate prisoners

Yours faithfully,
V.V. Bapat
Secretary

The President
Indian Constituent Assembly
New Delhi

79. To Jawaharlal Nehru

1 Queen Victoria Road
New Delhi
The 27th July 1947

My dear Jawaharlalji,

When the question of the National Flag was being considered by the Sub-Committee I suggested that the resolution should definitely state that the cloth of which the flag is made should be handspun and handwoven—whether of cotton, silk or wool. I understood from what was said that it was not necessary to state it in the resolution but that that would be the case. I have been informed that the Constituent Assembly office has placed orders for 3,000 flags with some textile mill. I have just issued an instruction to the office that the order, if placed, should be cancelled and that only handspun and handwoven cloth should be used for

flags in the Constituent Assembly. I imagine similar orders may have been placed by other departments, particularly those in charge of the ceremonies on the 15th August. I strongly feel that at least flags on Government buildings and flags purchased at Government cost should be of pure handspun and handwoven khaddar and orders to that effect should be passed by the Government not only for the departments in Delhi but also for Provincial Governments which are likely to use flags very largely on the 15th August. Apart from the fact that the use of any other cloth will touch Bapu to the quick and will alienate him still further from us, I think we should not discard *khadi* in an indirect manner, and if we wish to discard it we should do it openly and directly after taking a deliberate decision to that effect.

Yours sincerely,
Rajendra Prasad

The Honourable Pandit Jawaharlal Nehru
17 York Road, New Delhi.

80. *From Jawaharlal Nehru*

17 York Road
New Delhi
27 July 1947

My dear Rajendra Babu,

I have your letter of the 27th July about the flag. I quite agree with you that flags made for governmental purposes should be *khadi*, either cotton or silk. Various Government departments and Provincial Governments should be informed of this.

Yours sincerely,
Jawaharlal

Dr. Rajendra Prasad
1 Queen Victoria Road
New Delhi.

81. *To C.H. Bhabha*

1 Queen Victoria Road
New Delhi
The 30th July 1947

My dear Bhabha,

As you are in charge of the functions to be held on the 15th August you will necessarily require a large number of flags to be hoisted on various Government

buildings and public institutions. There is a strong feeling which I myself share and which is shared by other members of the Cabinet also that no other cloth than *khadi* (that is, handspun and handwoven cloth—either silk, cotton or wool) should be used for the flags. I hope you are aware of this feeling and have taken steps to ensure that no other kind of cloth is used in the flags which will be hoisted on the various public buildings and institutions here and elsewhere. I have also asked Pandit Jawaharlal Nehru to issue similar instructions to the Provincial Governments. I do not know if you can do it or he has to do it, but in any case if you have to do this I would request you to issue such instructions immediately so that they may all understand the policy of the Central Government. I am going to make an announcement in the Constituent Assembly that so far as the Government is concerned no cloth other than handspun and handwoven cloth will be used for the flags used.

Yours sincerely,
Rajendra Prasad

The Hon'ble Mr. C.H. Bhabha
Member for Works, Mines and Power.

Copy to:

- (1) Hon'ble Pandit Jawaharlal Nehru.
- (2) Hon'ble Sardar Vallabhbhai Patel.

82. *From B. Narasinga Rao*

Anantapur
31st July 1947

Revered Rajendra Babu,

With due respect for your great wisdom, I apologise for my intrusion. I am aware of the important matters that have engrossed your attention, but I could not refrain myself from encroaching upon your precious time as I feel strongly the need for submitting a humble suggestion hoping that it would meet your approval.

Now the Independence of India has been won by the great sacrifice and strenuous efforts of the patriots under the leadership of Mahatmaji and the transfer of power is about to be made. Hereafter we breathe the air of freedom but many changes have to be wrought before India attains a prominent place among the nations of the world.

With the change of physical conditions there will always be corresponding change in the mental world. Hitherto the spirit of the people was suppressed by the foreign rule which bred slave mentality. The public servants, not realising their real status, posed themselves as masters and terrorised the innocent people with their red tape.

From 15th August 1947 there will come a world of change but it will be imperceptible to the naked eye of the common people and the impression under which they laboured long will haunt their minds unless and until a vivid change is brought about in external appearance.

What I have proposed is that this can be effected only by making every officer to wear the National emblem to inspire confidence in the people with whom they have to deal hereafter. The sight of the symbol will undoubtedly remind the wearer to feel that he is representing and acting for the National Government and that he should bear love towards his fellow-men. As the saying is, "Dress depicts the character of the man"; the change of uniform of the policeman would have been well but such a measure would involve extra cost to the Government. Therefore it is better that the police are made to wear a badge of tricolour in lieu of the crown on the arm.

Please acknowledge the communication by a word of reply. If it is necessary this may be forwarded to the Vice-President of the Interim Government

Thanking you for the trouble,

Yours obediently,
B. Narasinga Rao

83. *From H.C. Sarin*

GOVERNMENT OF INDIA
(DEFENCE DEPARTMENT)

New Delhi
3rd August 1947

Dear Dr. Prasad,

Kindly refer to your letter dated 2nd August 1947 which I have received in the absence on tour of Sardar Baldev Singh with which you have forwarded an extract from the Commissioner Patna Division's letter to the Premier of Bihar regarding the celebrations on the 15th of August. Instructions have already been issued or are under issue to local military authorities to cooperate with the civil governments in these celebrations. In this connection, I enclose a copy of the letter which Sardar Baldev Singh has addressed to the Prime Ministers of the Provinces.

Yours sincerely,
H.C. Sarin
Private Secretary to the Hon'ble
the Defence Member

The Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road
New Delhi.

Enclosure not included.

84. *From Jawaharlal Nehru*

New Delhi
4th August 1947

My dear Rajendra Babu,

I enclose a letter in original from the Maharaja of Patiala about the composition of the National Anthem.

Yours sincerely,
Jawaharlal

The Hon'ble Dr. Rajendra Prasad
President, Constituent Assembly
New Delhi.

Enclosure:

(Letter from Maharaja of Patiala to Jawaharlal Nehru)

Hotel Imperial
New Delhi
31st July 1947

My dear Jawaharlalji,

You would recollect that we had a talk about the composition of the National Anthem when you were good enough to come to the party I gave the other day at the Imperial. I then told you that in my opinion the question of the National Anthem was one which required very careful consideration, and that it would perhaps be worth our while to engage the services of a foreign composer of some repute, who should come to India and spend some time in investigating all the aspects of the proposal. The Indian National Anthem should reflect the great history of our country, the rightful place which India is shortly going to assume in the international sphere and her rising aspirations. It would be necessary to appoint a small committee to choose the words for the anthem, which can then be tried out on a band to select a suitable tune.

As I mentioned to you, I believe my band is probably the best available in India which can play both classical and other tunes. I would place it unreservedly at the disposal of the composer, and would be very glad to render such other assistance as may be possible.

I shall be glad to hear from you what steps you propose taking in the matter and whether I can be of any assistance.

Yours sincerely,
Yadvendra Singh

The Hon'ble Pandit Jawaharlal Nehru
17 York Road
New Delhi.

85. *From S.B. Talekar*

LALITAKALA MAHAMANDALA

390/B-1, Narayan Peth
Poona-2
August 4, 1947

Sir,

In regard to the Indian National Flag, accepted by the Indian Constituent Assembly, I, on behalf of the Lalitakala Mahamandala, Poona, wish to bring to your notice that the design of the said Flag fails to satisfy the aesthetic sense, and to convey the significance of the central symbol—'Asoka Chakra'.

To make the matter clear, I have to point out that the Asoka Chakra, which stands in the middle white stripe of the Flag, remains detached from the upper saffron and the lower green stripe, and as such does not show the union of the various interests indicated by the coloured stripes.

The Lalitakala Mahamandala is, therefore, of the opinion that with a view to achieving the object for which the Asoka Chakra is given a place in the Flag it should not only touch the lower border of the saffron and the upper border of the green stripe but should cover a small part of both of them.

Apart from the political aspects of the Flag, if it be redesigned as suggested above, it will render our National Flag the desired significance and the aesthetic value. I request, therefore, that suitable action may please be taken in the matter to depict properly the bond of unison, for which the Asoka Chakra stands.

I am submitting copies of this letter to Mahatma Gandhi, Pandit Jawaharlal Nehru and Sardar Vallabhbhai Patel.

Yours sincerely,
S.B. Talekar

Dr. Rajendra Prasad
President, Indian Constituent Assembly
New Delhi.

86. *From Jawaharlal Nehru*

SECRET

17 York Road
New Delhi
4 August 1947

My dear Rajendra Babu,

I give below the list of names for the new Cabinet which I have sent to the

Governor-General:

1. Sardar Vallabhbhai Patel
2. Maulana Abul Kalam Azad
3. Dr. Rajendra Prasad
4. Dr. John Matthai
5. Shri Jagjivan Ram
6. Sardar Baldev Singh
7. Shri C.H. Bhabha
8. Rajkumari Amrit Kaur
9. Shri Rafi Ahmed Kidwai
10. Dr. B.R. Ambedkar
11. Dr. Syama Prasad Mookerjee
12. Sir Shanmukham Chetty
13. Shri Narhar Vishnu Gadgil.

The portfolios have not been mentioned. It is proposed, however, that portfolios with the old members should be retained by them except for a change necessitated by Rajaji's departure.

Yours sincerely,
Jawaharlal

The Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road
New Delhi.

87. From Narayan Mahtha

Permanent Address:
Muzaffarpur (Bihar)
Camp: Maple-Hayes
The Mall, Mussoorie
August 7, 1947

My dear Rajendra Babu,

I hereby renounce my title of 'Rai Bahadur'. As you know it came to me unsought after the Bihar Earthquake, 1934. But there has been little nexus between me and my title. If I did not renounce it much earlier it was because my title consciousness was little or none, and the circle in which I moved and worked it was not much noted. During the last six months or so, however, the thought frequently came to me that I should give it up, but, a certain feeling of pettiness overtook me as I felt I would be renouncing something which had no value. Yet

realising that its awkwardness in the approaching context of things should be hardly sufferable to me, I feel I can no longer let it indolently survive.

I am, ever yours sincerely,

S.N. Mahtha
Member, Constituent Assembly, and
Ex-Member, Council of State

The Hon'ble Dr. Rajendra Prasad
President, Constituent Assembly of India
New Delhi.

Enclosure:

(Copy of letter from S.N. Mahtha to the Private Secretary to the Viceroy)

Permanent Address:
Muzaffarpur (Bihar)
Camp: Maple-Hayes
The Mall, Mussoorie
August 7, 1947

Dear Sir,

I hereby beg to renounce my title of 'Rai Bahadur'. I hope you would kindly communicate this fact to H.E. the Viceroy and Governor-General of India and be good enough to put in the necessary notification in the Gazette and also inform the Provincial Authorities.

Yours truly,
S N Mahtha
Member, Constituent Assembly, and
Ex-Member, Council of State

The Private Secretary to
H.E. the Viceroy & Governor-General of India
New Delhi.

88. *From Nirmal Sanyal*

-
Rainbow Club
175 Bowbazar Street
Calcutta
7th August 1947

Dear Sir,

I am to invite your personal attention to a news published in the Press by the U.P.I. that Mr. C. Rajagopalachari, Governor designate of Western Bengal, will

be paid Rs.72,000 per year free of income-tax for holding the above post. I would like to know whether the news is correct and also whether any true Congressite has any moral right to deprive his poor country and countrymen of such a huge sum? How far the above sum corresponds to the teachings and preachings of the Indian National Congress?

I would also like to invite your immediate attention to a statement of Pandit Nehru made on the floor of the Constituent Assembly that no Government servant will be paid more than Rs.1,500 p.m. Will you kindly personally enquire how many employees of the Nehru Government are actually drawing salaries more than that? And why they are being allowed to draw the same?

Moreover, I would like to remind you that the reasons which prompted Congressites not to accept salaries more than Rs.500 p.m. during the period when Congress was in power in several Provinces during 1936 onwards have not vanished altogether on this day. So why this drastic change in the present Congress policy?

An early reply either to me or to the Press or to both will be highly appreciated.

This letter is being given to the Press for publication.

Yours truly,
N. Sanyal

The President
Constituent Assembly (Indian Union)
New Delhi.

89. *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
7th August 1947

My dear Jawaharlalji,

There are two points which I had for consideration at our meeting yesterday. I mentioned the agitation which is spreading with tremendous speed about the stopping of cow slaughter, but as everybody was in a hurry to go the matter was not considered. I have been flooded with postcards, letters, packets and telegrams making demand that cow slaughter should be stopped by legislation. It started with a few letters, postcards and telegrams on the 9th July 1947 and the daily receipts went on increasing until on the 5th August it reached the tremendous figure of nearly 22,000. The total number of receipts up to the 6th is over 164,000. The number of signatories is considerably higher because it is not unusual for one postcard to bear more than one signature and there are packets which contain thousands of signatures. Apart from these letters and telegrams which have already been received I read reports in papers that they are collecting signatures in cities and I am expecting that I shall receive large bundles of papers containing large numbers of signatures. I have also received a deputation led by

the Guru of the Namdhari Sikhs, Maharaj Partap Singh, and there are other deputations asking for time to meet me. All these are addressed to me because as President of the Constituent Assembly I am supposed to have something to do with legislation. Whoever may have started the agitation and whatever may have been the underlying motive of the person who started the agitation it has already reached a stage when it can be said to have reached practically all Provinces and very large numbers of people. The Hindu sentiment in favour of cow protection is old, widespread and deep-seated and it has taken no time to rouse at this moment to a pitch when it is difficult, if not impossible, to ignore it. I think that the matter does require consideration and we must take a decision whatever it is after due consideration. The Hindu feeling on account of recent happenings is very much agitated and this movement like the movement in favour of Hindi is bound to gain strength more rapidly than we can imagine.

The next point is about the programme for the morning of the 15th. There seems to be a feeling that we should have a national song on that occasion also. As we are having a song in the night session it might be said that it is not necessary to have it in the morning session, but on the other hand it is argued that there is no difference between the night session and the morning session, except that the Governor-General with his staff and the military and civil officials of the Government will be attending on invitation and this ought not to furnish a ground for omitting the national song in the morning. I am afraid it will be difficult for you to persuade the party to give it up. It would be very awkward if someone among the members of the Assembly gets up and comments on the proceedings and asks for the *Bande Mataram* to be sung and starts singing it and other members stand up. Whatever the programme it should be strictly adhered to and the members should not create any difficulty in the session itself, but I have an apprehension that trouble of this kind may be created and I, therefore, request you to consider both these matters and, if you think it necessary, consult other colleagues also and let me know what I should do. It is obviously not possible to ignore the agitation altogether and we must say something one way or the other.

Yours sincerely,
Rajendra Prasad

The Hon'ble Pandit Jawaharlal Nehru
17 York Road, New Delhi.

90. *From Baldev Sahai**

Kadamkuan, Patna
The 11th August 1947

My dear Rajendra Babu,

I was delighted to receive your letter of the 7th August, which reached me yesterday. As Binoy Singh has succeeded with your help and with the

recommendation of Sir Shanti Swarup Bhatnagar in securing the offer of a seat in Manchester, it is not necessary to trouble Mr. Asaf Ali to move. Binoy Singh is making arrangements to start as early as he can. On account of rush of Europeans in quitting India, shipping agents are not promising a very early date; but I hope, he will be able to reach England by the end of September.

I learn from reports that you are terribly busy on account of the additional duties that have devolved or been imposed on you. But it is a matter of great satisfaction to people in Bihar that you are contributing the most quantitatively and qualitatively to the creation of a free and prosperous India.

With kind regards,

Yours sincerely,
Baldev

The Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road
New Delhi.

*Advocate-General of Bihar at the time

91. *From the Honorary Secretary, Hindustani Prachar Sabha*

HINDUSTANI PRACHAR SABHA, BOMBAY

Adenvala Mansion
Chawpatty Sea Face,
Bombay-7
11 August 1947

Dear Friend,

At a suggestion of Mahatma Gandhi, the Committee of the Hindustani Prachar Sabha, Bombay, at its meeting held on 29th July 1947, considered the resolution regarding Hindi with Devnagari script being adopted as the National Language of India, passed at the meeting of the Congress Party members of the Constituent Assembly held on 18th July, and the Hindustani Sabha Committee adopted this memorandum which I am enclosing herewith for your consideration.

Yours faithfully,
Hon. Secretary

Enclosure:

(Copy of Memorandum)

This memorandum has been sent by the Managing Committee of the Hindustani Prachar Sabha, Bombay, to the President of the Constituent Assembly, the President of the Indian National Congress, Mahatma Gandhi, and the members of the Constituent Assembly.

We are very much surprised to learn that the Congress Party Members of the Constituent Assembly have decided that Hindi, written in Devnagari script, should be the National Language of India. This is strange in view of the fact that only recently the Committee appointed by the Constituent Assembly, consisting of the same members, to formulate the principles of the Union and Provincial Constitutions had decided to adhere to the resolution passed by the Indian National Congress in 1924 that Hindustani in Devnagari or Urdu script shall be the National Language of India. Mr. K.M. Munshi mentioned this fact as lately as 12th April 1947 at the Hindustani Conference convened by the Prime Minister of Bombay.

Mahatma Gandhi has definitely stated that Hindustani in both scripts is the only medium through which millions of Indians can be brought together.

The Hindustani Prachar Sabha of Wardha and its numerous branches all over the country have been striving hard to attain this goal and thousands of students every year have been studying the language and helping to create unity amongst all communities on the lines desired by Mahatmaji.

After all these efforts it would be a disastrous blow to the cause of national unity and harmony if leading Congressmen take a narrow and communal point of view.

Are we to understand that this decision was taken because of the partition of the country and because it is anticipated that Urdu will be the National Language of Pakistan? Congress leaders have expressed the hope that very soon the seceding parts will return to India. Measures such as the adoption of Hindi as the National Language of India will not help to bring about this happy consummation. We are of opinion that in Pakistan also Hindustani written in Devnagari or Urdu script should be the National Language. Even if Urdu should become the National Language of Pakistan, would two wrongs make a right?

Are we not forgetting in the heat of the present controversies that Hindustani alone, written in the two scripts, can be the link to unite India and help her to attain a leading place among the Asiatic countries, many of which use scripts akin to Urdu script?

We appeal to the Congress Members of the Committee appointed to give effect to the above-mentioned decision that such a step, apart from its being a violation of the Congress Constitution, would be suicidal to the national spirit and tradition of the Congress and will throw the country back another half a century.

This decision is all the more amazing at a moment when the Muslim League

Members of the Constituent Assembly have promised to stand fast by the National Flag of Free India and have vowed to uphold its honour.

92. *To H.M. Patel*

1 Queen Victoria Road
New Delhi
13th August 1947

My dear Patel,

The Military Dairy Farm at Lahore was considered by the Partition Council and it was decided that further investigation about this be made. Some chemists from this Farm have come to me and they tell me that all the non-Muslim technical personnel have been discharged from the 1st of August 1947. How has this been done? Will you please look into this and let me know how the position stands?

Yours sincerely,
Rajendra Prasad

H.M. Patel, Esqr , C.I.E., I.C.S.
Secretary, Partition Council
New Delhi

93. *From Lord Mountbatten*

The Viceroy's House
New Delhi
14th August 1947

Dear Dr. Rajendra Prasad,

I cannot leave my active participation in Cabinet work without writing a line to express my sincere appreciation of the loyal support you have given me as a Member of the Interim Government during my short period of Viceroyalty. No one could pretend that the Coalition Ministry was an easy partnership, particularly with partition looming so large in the background; but you and your colleagues made my task easy and thus proved yourselves true statesmen of whom your country can well be proud.

I shall look forward to the honour of being received by you as President of the Constituent Assembly tomorrow.

With this letter I am sending you a small informal photograph of myself in the hope that you will accept it as a souvenir of the historic time that we were

colleagues together in the Cabinet.

All best wishes to you and the Dominion of India.

Yours sincerely,
Mountbatten of Burma

The Hon'ble Dr. Rajendra Prasad.

94. From Jawaharlal Nehru

17 York Road
New Delhi
August 15, 1947

My dear Rajendra Babu,

I asked B.N. Rau to give me a note in regard to the Chittagong Hill Tracts. He has given me the enclosed note.

Yours sincerely,
Jawaharlal

The Hon'ble Dr. Rajendra Prasad
New Delhi.

Enclosure:

(A note by Sir B.N. Rau on the Chittagong Hill Tracts)

THE CHITTAGONG HILL TRACTS AND THE BOUNDARY COMMISSION'S AWARD

The Boundary Commission's Award has not yet been published; but it is said that the Commission has decided to allocate the above Tracts to East Bengal.

The following facts are relevant:

- (a) These Tracts cover an area of about 5,000 sq. miles, with a population (according to the Census of 1941) of about 2,47,000, only 7,300 being Muslims. That is to say, about 97% of the population is non-Muslim.
- (b) According to the provisional boundaries mentioned in the Indian Independence Act, these Tracts fall in West Bengal and therefore in the Dominion of India.
- (c) These Tracts are an "Excluded Area" under the Act of 1935 and its inhabitants had therefore no representation in the Bengal Legislature and no opportunity of expressing their views on any of the issues connected with the partition of Bengal.

Therefore, every consideration of natural justice required that before an overwhelmingly non-Mulsim area of this character, which had been provisionally included in West Bengal, was finally allocated to East Bengal, its inhabitants should have been fully heard by the deciding authority.

“All persons exercising judicial or quasi-judicial functions must observe the following rules: (1) if the tribunal consists of several members, they must sit and deliberate together and not separately; (2); (3) each party must be given an opportunity of stating his case. If these rules of natural justice are not observed, the decision will be voidable, not absolutely void.” (Halsbury, Vol. 26, pp. 285-287.)

Apparently, in the present instance, the Boundary Commission has made an award in contravention of the above principles. If so, the question arises what is the remedy now available. Pakistan will claim these Tracts by virtue of the award and of the provisions of section 3 of the Indian Independence Act. India will claim, on the other hand, that the Award is vitiated by breach of the principles of natural justice. There will thus be a dispute between the Dominions on a “justiciable” issue. Such a dispute falls to be decided in accordance with the procedure prescribed by the Imperial Conference, 1930, for this purpose. That is to say, by an ad hoc arbitral tribunal of 5 members. Each party selects 2 members, one from among States of the Commonwealth that are not parties to the dispute and the other with complete freedom of choice; these four members then choose the Chairman. Assessors may be employed if the parties desire and the expenses are to be equally shared, but each party has to bear the expenses of presenting its case. (Halsbury, Vol. XI, p. 30.)

I have discussed the case with Sir Dhiren Mitra and this note represents his views also.

B.N. Rau
14.8.47

95. *To Lord Mountbatten*

1 Queen Victoria Road
New Delhi
The 15th August 1947

Dear Lord Mountbatten,

Please accept my sincere thanks for the very kind and generous letter appreciating the work of the Interim Cabinet. I need hardly assure you that I have felt it a proud privilege to be associated with you, and although the position undergoes a change today I am looking forward to serve the country under your guidance. We need sympathy and support and your great experience of men and affairs and especially your sympathetic understanding of our problems will be invaluable to us.

Let me also offer my grateful appreciation of the photograph which you have sent me and the kindly feeling behind the present. I shall treasure it as a souvenir of our happy association in a most momentous period of our history.

Yours sincerely,
Rajendra Prasad
President

His Excellency Rear-Admiral the Viscount Mountbatten
of Burma, K.G., P.C., G.M.I.E., G.C.V.O., K.C.B., D.S.O.
Governor-General of India.

96. *From Dr. Sachchidananda Sinha*

Sinha Library Road
Post Box No. 62, G.P.O.
Patna
15th August 1947

My dear Rajendra,

I have just this minute received your kind and affectionate letter of the 12th, and hasten to acknowledge it by the return of post. The work of preparing the Chhotanagpur and Santal Parganas separation memorandum, which both you and the Labour Minister commissioned me with, and for which I worked continuously for a whole month at Ranchi, has evidently affected my health for the worse; as since my return to Patna I have had three mild attacks of the heart manifesting itself in pain in the region of the heart. The third attack was on the 11th when I was actually getting in the car to go to the station to catch my train. I have lived long enough to see the Independence of my country, although accompanied by partition, and it matters little now when I pass away.

I hope you have received a copy of my memorandum. If not, I shall send it to you on hearing from you in reply to this letter. Mr. Thakkar had sent me a very flattering and highly encouraging letter after reading it, saying that in his opinion I had completely smashed up the case of the separationists. Well, if I have done something to save Bihar from its threatened disintegration, I shall die in peace.

I have just finished listening to the proceedings of the Constituent Assembly and was highly interested in the speeches. Lord Mountbatten's speech appealed to me as graceful and sympathetic—graceful in its reference to Mahatmaji, and sympathetic in its reference to the partition of India; while your speech was all that it should have been.

Hoping to hear from you in reply at your leisure and convenience, I remain,
with my blessings and good wishes,

Ever yours affectionately,
S. Sinha

97. *From H.M. Patel*

GOVERNMENT OF INDIA
(CABINET SECRETARIAT)

D.O. No. 1747/CS/47

New Delhi
The 21st August 1947

Dear Dr. Rajendra Prasad,

With reference to the case of the Evaporated Milk Factory at Lahore which was discussed at the meeting of the Provisional Joint Defence Council on the 4th August, I enclose a note received from Armed Forces Headquarters giving information regarding the estimated cost of setting up such a factory in India. I also attach a copy of a letter from the Defence Secretary in reply to the enquiry that I made, on receipt of your letter of the 13th August, regarding the non-Muslim technical personnel discharged from the Lahore factory.

Yours sincerely,
H.M. Patel

The Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road
New Delhi.

Enclosure 1:

(Note from Armed Forces Headquarters)

ALLOCATION OF MILITARY FARMS BETWEEN THE TWO DOMINIONS

At a meeting of the Provisional Joint Defence Council on 4th August, at the request of Dr. Rajendra Prasad, the Commander-in-Chief undertook to supply details regarding the Evaporated Milk Factory at Lahore which was shown as surplus to military requirements.

The Director of Farms reports that the machinery is out of date and worn out and estimates the value, as scrap, at Rs.20,000 only. Estimated costs for a new factory are made up as follows.

Buildings	Rs.28 lakhs
Plant and machinery	Rs.4 lakhs
Livestock	Rs.15 lakhs
Contingencies at 5%	<u>Rs.2.35 lakhs</u>
	Rs.49.35 lakhs

Say, Rs.50 lakhs.

Enclosure 2:

(Copy of letter from H.M. Patel to G.S. Bhalja)

CABINET SECRETARIAT (INDIA)

No. C 320/CCC-1371.

New Delhi

The 13/14th August 1947

My dear Bhalja,

You will remember the discussion the other day both in the A.F.R.C. and later in the Partition Council regarding the Military Dairy Farm at Lahore. Some chemists from this Farm saw Dr. Rajendra Prasad the other day and have informed him that all the non-Muslim technical personnel working on that Farm have been discharged from the 1st of August 1947. Will you kindly look into this matter and let me know why it became necessary to take this step and what the present position is. You will recollect that the India Members of the Partition Council expressed an interest in this Farm and desired further investigation to be made

Yours sincerely,
H.M. Patel

G.S. Bhalja, Esqr., C.I.E., I.C.S.

(Copy of letter from G.S. Bhalja to H.M. Patel)

DEFENCE DEPARTMENT (INDIA)

D.O. No. 44/S/4.

New Delhi
20th August 1947

My dear Patel,

Will you please refer to your D.O. No. C.320/CCC-1371, dated the 14th August 1947. I enclose a copy of Q.M.G.'s note.

Yours sincerely,
G.S. Bhalja

H.M. Patel, Esq., C.I.E., I.C.S.
Secretary to the Cabinet
New Delhi.

(Copy of Q.M.G.'s Note)

I only know the general position, fully reported in Army Sub-Committee of the A.F.R.C., which is that we have two production units for canning—Lahore and Okara—the former very old and the latter very new.

As our production is now far in excess of Army needs, we must close one of the two and naturally we are closing the Lahore unit. This means that all temporary hands are dismissed and all permanent hands transferred elsewhere.

There is nothing communal in this, although trouble seekers will always attempt to read such into normal routine affairs.

E. Wood, Lt. Genl.
Q.M.G

98. *To H.M. Patel*

1 Queen Victoria Road
New Delhi
The 22nd August 1947

Dear Patel,

I have received your D.O. No. 1747/CS/47, dated the 21st August 1947, and the estimated cost of setting up of a new Evaporated Milk Factory as well as the note from the Q.M.G. about the dismissal of staff at the Lahore Evaporated Milk Factory.

2. In the meeting of the Provisional Joint Defence Council when I asked that

the question of the Evaporated Milk Factory at Lahore should be further investigated, I did not want only an estimate for setting up a new factory. This I could have found independently, but I wanted to have an idea of the assets of the Milk Factory as it stood at the time. I find that the Director of Farms has reported that "the machinery is out of date and worn out" and he has valued it as scrap at Rs.20,000, but what about the livestock? There is no mention of that although the estimate for a future factory shows livestock worth 15 lakhs. I would like to know what was the value of the livestock when purchased and what is the value of that now. I should also like to know what was the value of the plant and machinery when purchased and since when has it become mere scrap valued at Rs.20,000.

3. The Q.M.G.'s note presupposes that it was decided to scrap out the Lahore Farm when the matter was ordered to be further investigated. I think a report should have been given to the Partition Council before taking any step to disband the factory.

4. What are we going to do about persons who have been discharged from the factory? I am told that they are mostly, if not all, non-Muslims, and they have become surplus hands. I think there is some arrangement for registering these surplus hands and trying to provide occupation for them as far as possible. Has that step been taken about these employees of the Lahore Factory?

If you can gather the above information, please let me have it.

Yours sincerely,
Rajendra Prasad

H.M. Patel, Esq., C.I.E., I.C.S.
Cabinet Secretary
New Delhi.

99. *From Dr. Sachchidananda Sinha*

Sinha Library Road
Post Box No. 52, G.P.O.
Patna
22 August 1947

My dear Rajendra,

From the fact that this letter is being sent to you through a special messenger, placed at my disposal by the Prime Minister, you will appreciate what we all here regard as a question of momentous importance. I hope you will kindly take the trouble to send back a reply to the letter both through the messenger, and also a copy of it by post, so as to ensure in any case safe delivery of your letter.

2. I posted to you a letter, a few days back, in reply to your very kind enquiries about my health. You will be glad to learn that I have had no heart attack since the 11th, and I am feeling fairly well, and doing my work, though in moderation. Having heard of my illness His Excellency the Governor's Secretary (Mr. Grofton) phoned up to me, two evenings back, that His Excellency would like to come and see me the next day at noon, provided the hour would suit me. I phoned back to say that I would deem it a great privilege, indeed, to welcome His Excellency to my house, and that the hour would suit me. Accordingly, the Governor (who is one of my oldest friends in Sind) kindly came over to see me day before yesterday at noon, and stayed with me for more than one hour. We had long and friendly chats together about matters personal and general. But the one matter he seemed most concerned about was the demand for territorial redistribution set up in the Calcutta Press by Mr. Sarat Bose, backed up by some people in some districts of our Province, that as many as five Bihar districts should be transferred to the West Bengal administration. He asked me to be ready to prepare a memorandum, controverting Mr. Bose's position, and I, of course, willingly offered my services to do so, as soon as he considered it necessary. He had seen my Chhotanagpur memorandum, and a copy of Mr. Thakkar's letter to me about it (a copy of which I am enclosing herewith for convenience of reference), and he expressed his satisfaction at the fact that in Mr. Thakkar's opinion the case for the separation of Chhotanagpur and Santal Parganas had been smashed up in the memorandum. When leaving he said that he would request the Prime Minister to see me with any Minister staying at present at Patna, so that we could talk over matters.

3. Accordingly, yesterday morning I received a message from the Prime Minister that he would be coming to me at 7 in the evening, with his colleagues, to talk over the question. He arrived with Pandit Binodanand Jha and Babu Krishna Ballabh Sahay, and we had a long talk on the subject. It was agreed to by me, at their suggestion, that a memorandum on the subject be prepared as soon as possible, and that necessary action should be taken immediately in connection with it. The Prime Minister and his colleagues were strongly of opinion that a manifesto, largely backed up by influential people not only from amongst Hindu and Muslim Biharis, but even by Adibasis and others, should be issued through the medium of the Press, and should also be given wide publicity through the Director of Publicity, Bihar, for which purpose the manifesto should be printed in various languages in thousands, and scattered broadcast throughout Bihar and West Bengal. I asked only this morning Murali to set about preparing a draft manifesto, which I would revise and settle in a day or two.

4. But this is not all. The Prime Minister and his colleagues were most anxious (as I need hardly say I also am) that in the solution of this momentous problem we should all have the advantage of your lead and guidance as well, and we all feel strongly that this is probably the one great occasion in which you may, in the interest of Bihar, depart from conventions and old practices by agreeing to head the list of the signatories to the manifesto. You must not think that we, who are

suggesting this course to you, are at all unmindful of the difficult position you occupy at present, not only as a Member of the Central Government, but also as the President of the Constituent Assembly. But you will agree with us, I hope, that there are occasions and occasions, and just as Mr. Jinnah is the Governor-General of Pakistan, and also, for the time being, the President of its Constituent Assembly, similarly, by a parity of reasoning, we venture to hope that you may also agree to give us lead and guidance in this most difficult situation which is facing the Province. We all look up to you, and so does the whole Province, and nothing will give your people in Bihar greater satisfaction than to find you heading this great movement by being the first signatory to the proposed manifesto.

5. Lastly, I may add that our new Governor, whose sense of humour I very much appreciate, remarked to me, in the course of our conversation, that with the five districts of Chhotanagpur, and Santal Parganas, formed into one separate aboriginal administration, with three of the same districts and two more added to them transferred to West Bengal, as demanded by Mr. Sarat Bose, and already supported editorially by the *Patrika* and some other Calcutta papers, with the so-called demand of a handful of people in Mithilades for a separate Province for Maithilis, there would be precious little left of Bihar to be administered by the new Governor and his Cabinet of nine Ministers! I could only say in reply to him that I myself was going to set up an agitation for the transfer of my district (Shahabad) to the United Provinces administration, and to be grouped as one of the districts of the Benares Commissionership, so that I may live the short time, now allotted to me, in peace and happiness, free from the savages inhabiting almost the rest of Bihar. That is the position here. The vast bulk of our people are most anxious at the trend of affairs in the Province at present. The Prime Minister and his colleagues asked me to set forth the whole thing in detail to enable you to appreciate the great difficulties confronting us at the moment, and I have tried my best to comply with their wishes in this letter. I earnestly hope that in view of all the facts and circumstances set forth by me, and the very extraordinary situation facing us, you will kindly agree to our request to lead the great movement for the integrity of Bihar, and for avoiding its threatened disruption.

Hoping to receive from you a favourable reply, I remain, with my blessings and good wishes,

Yours affectionately,
S. Sinha

The Hon'ble Dr. Rajendra Prasad
Food and Agriculture Minister
1 Queen Victoria Road
New Delhi.

Enclosure not included.

100. *To Dr. Sachchidananda Sinha*

1 Queen Victoria Road
New Delhi
The 22nd August 1947

My dear Sir,

I am so pleased to receive your letter. I hope you have by this time got over the effect of the strain on your health and are fit again.

You will be glad to learn that both Jagjivan Ram and Mr. Lal are improving. I saw Mr. Lal yesterday and he is now walking about. He was telling that except for some weakness, he is more or less normal, but Jagjivan Ram is still in bed with legs in a condition in which you might have seen Anugrah Babu some years ago: with a heavy weight of about 24 lbs. suspended from a pin which is pierced through one of the bones of his leg. I think he will have to remain in that condition for some weeks still before he can sit up in bed. It was a very serious accident and it was by the grace of God that they escaped with the injuries which they have received and not lost their lives as many others did.

The function of the 15th was very successful. There was tremendous enthusiasm when, on the afternoon of the 15th, Lord Mountbatten went to India Gate to put up the National Flag. The programme was that there would be a parade and all arrangements had been made but the crowd was so tremendous and enthusiastic that it could not be controlled. There was really no parade and simply a flag was put up by Lord Mountbatten. It seems he has become immensely popular, judging from the way the crowd behaved towards him and he behaved towards them. Anyway, we have got a great opportunity now to serve the country. How far we shall be able to take advantage of the great opportunities which have now come to us, I do not know. I feel convinced that this constructive work is even more difficult than the fight which we had to wage against the British so long and to which we had got used.

How do you find our new Governor there? I hope he will make a good impression. He is a quite steady worker and I am sure he will be quite successful.

Yours affectionately,
Rajendra Prasad

Dr. Sachchidananda Sinha
Sinha Library Road
Patna.

101. To Dr. Sachchidananda Sinha

1 Queen Victoria Road
New Delhi
The 24th August 1947

My dear Sir,

I have received your letter dated the 22nd through the messenger. I have already written to you in reply to a previous letter and had it posted. I hope you will get it in due course. I am glad to note that you have had no more attack and that you are doing well. It pleases me to read that Shri Jairamdas visited you during your illness and had prolonged conversations with you about various matters and interests.

I have read something of your Sarat Chandra Bose's movement. I think this is one of his many stunts which he has started for the last few months, one after another. He has failed in all his attempts so far and I do not think he will have any better fate in this. I do not attach much importance to this at this stage and personally I would ignore it, for the time being at least. I do not think he will get much support although we know that this is an old thing which many Bengalis have from time to time put forward. In any case if a memorandum is prepared and sent to me for signature I shall consult my colleagues here and will sign it if they do not consider anything improper about it.

I have also received your pamphlet which you were good enough to send me. I have had time to read only a part of it. I need hardly say that like the other pamphlet which you wrote about the position of Bengalis in Bihar during the Congress Ministry on the last occasion when the matter was referred to me for arbitration, this is another pamphlet on a subject of great interest which puts forward in a most lucid and convincing manner our viewpoint. I have just received copy of a letter which Thakkar Bapa has written to you intimating that he would be reaching Patna on the 4th and taking evidence on the 5th. I hope he will come back thoroughly satisfied if he is not already fully convinced of the genuineness of our case by reading your pamphlet.

I am quite well and hope this finds you well.

With kind regards,

Yours affectionately,
Rajendra Prasad

P.S. After dictating the above while it was being typed, I met Sardar Vallabhbhai Patel. He is definitely of opinion that we should not take this last of his stunts seriously at all. He is not likely to get any support.

R.P.

Dr. Sachchidananda Sinha
Sinha Library Road, Patna.

102. *To Sir B.L. Mitter*

New Delhi
The 28th August 1947

Dear [Sir B.L. Mitter,]

I am told that in Baroda they had a Parishad which prepared a glossary of technical terms which are used in legal and political works with their Gujarati equivalents. As my intention is to have our Constitution also in our own language this glossary will be a considerable help. As I do not know either the name of the organisation or the place where we can get a copy of the glossary I shall be obliged if you could kindly procure a copy for our Constituent Assembly and send it to me as soon as it can conveniently be done. If the publication is for sale, the Constituent Assembly will, of course, pay the price

Yours sincerely,
Rajendra Prasad

Sir B.L. Mitter, K.C.S.I.
Dewan of Baroda.

103 *To M.A. Sreenivasan*

1 Queen Victoria Road
New Delhi
The 28th August 1947

Dear Mr. Sreenivasan,

I understand that the Gwalior State has had a glossary of legal and technical terms prepared with their Hindi equivalents which will be a great help to us in getting our Constitution prepared in Hindi language. As I do not know where to get a copy from, I shall be obliged if you could procure one for the Constituent Assembly. If it is a publication for sale, the Constituent Assembly will pay for it.

I shall be obliged for an early compliance.

Yours sincerely,
Rajendra Prasad

M.A. Sreenivasan, Esqr.
Vice-President of the Gwalior Executive Council
Gwalior State, Gwalior.

104. *To Suresh Chandra Majumdar*

1 Queen Victoria Road
New Delhi
The 28th August 1947

My dear Suresh Babu,

I believe there must be a society in Bengal which has prepared a glossary of English technical terms used in law and politics with their Bengalee equivalents. As my intention is to have our Constitution in our own language also. I shall be obliged if you could procure a copy of it for the Constituent Assembly Library. I have to give you this trouble because I do not know the name of any organisation or any publisher from where we can possibly find it out. We shall, of course, pay for it.

Yours sincerely,
Rajendra Prasad

Shri Suresh Chandra Majumdar
23 Canning Lane
New Delhi.

105. *To Sankarrao Deo*

1 Queen Victoria Road
New Delhi
The 28th August 1947

My dear Deo,

I am told that in Poona there is a society which has prepared a glossary of technical, legal and political terms with their Marathi equivalents. As my idea is to have our own Constitution in our own language, this glossary will be a great help. I do not know either the name of the society or the address where to get it and so I shall be obliged if you could secure a copy for the Constituent Assembly as soon as possible. We shall, of course, pay for it.

Yours sincerely,
Rajendra Prasad

Shri Sankarrao Deo
2 Windsor Place
New Delhi.

106. *From Sir B.L. Mitter*

Baroda House
New Delhi
30 August 1947

My dear Rajendra Babu,

I am not aware if there is any published glossary of technical terms in Baroda. Our laws and regulations are, however, all in Gujarati. I am going to Baroda early next week and if there be any publication you will get it soon.

Yours sincerely,
B.L. Mitter

Dr. Rajendra Prasad
1 Queen Victoria Road
New Delhi.

107. *From C. Rajagopalachari*

GOVERNMENT OF WEST BENGAL.

Government House
Calcutta
30 August 1947

My dear Rajen Babu,

We are living in terrible times. Punjab has become worse than all the hells we ever heard of! I wonder how you manage to preserve calm in the atmosphere around you.

I am thankful to you and Bapu that we have been lucky so far here.

Now the food position here is truly critical for October and November. I see no plans here to face the difficulty. Unless you help somehow I fear things will be bad. Will you kindly see what you can do for us at once—as there is not much time left. Mr. Roy has told me how the position stands with you. But unless you help I fear there will be a catastrophe again in Calcutta.

Yours sincerely,
C. Rajagopalachari

The Hon'ble Dr. Rajendra Prasad
Minister for Food & Agriculture
New Delhi.

108. *From Dr. Sachchidananda Sinha*

Sinha Library Road
Post Box No. 62, G.P.O.
Patna
The 2nd September 1947

My dear Rajendra,

I received some days back your long, kind and affectionate letter and wanted to send you a fairly long reply. But that is not possible at present, as I am far from well. While the pain in the chest is much better and there is every reason to believe that it will disappear in course of time by the use of the medicines prescribed for me, I have had since yesterday a mild attack of fever in which condition I am precluded from doing any serious work. I shall write to you again on the 6th or the 7th after Mr. Thakkar and his Committee have gone away from Patna to other places. You will be very surprised to learn, I suppose, that the Bihar Government have not cared to have ready for examination at Patna any witness other than myself. In my opinion a few leading men from all the districts of north and south Bihar should have been called for examination to testify before the Sub-Committee the strength of public opinion in Bihar on the question of the separation of Chhotanagpur and Santal Parganas. I do not know if you will agree with me; but that is my view. However, I shall do my best when I am examined to meet as well as I can the case against the separation.

Lastly, I had sent to His Excellency the Governor a copy of your kind letter to me in connection with the agitation set up by Mr. Sarat Bose. After reading that letter the Governor has kindly favoured me with a reply, a copy of which I am enclosing herewith for your perusal. Kindly let me know your own views in the present circumstances, and on hearing from you in reply to this letter I shall write again to the Governor.

Trusting all well, I remain, with my blessings and good wishes,

Yours affectionately,
S. Sinha

The Hon'ble Dr. Rajendra Prasad
Food & Agriculture Minister
1 Queen Victoria Road
New Delhi.

Enclosure:

(Copy of letter from Jairamdas Doulatram to Dr. Sachchidananda Sinha)

D.O. No. 5-G.B.

Government House
Ranchi
The 30th August 1947

My dear Friend,

I have received your note enclosing copies of your correspondence with Babu Rajendra Prasadji in regard to our meeting at Patna, and the question of Bengal acquiring some districts in Bihar. I myself felt on reading your letter to Babu Rajendra Prasadji that the proposal to issue a public manifesto might unnecessarily whip up the very agitation which was felt to be untimely and undesirable. I feel that the problem would have to be tackled differently. The memorandum, which I had ventured to suggest you might prepare, was intended to be more of an educative than of a propagandist nature, and to contain facts and figures and the necessary arguments, and would only have been issued as a pamphlet for the purpose of educating the leaders of public opinion rather than meant to be issued to the wide public. I will talk over with the Hon'ble the Prime Minister when I meet him next here at Ranchi. He has left the place for a few days.

I hope your health is being well maintained.

With kind regards,

Yours very sincerely,
Jairamdas Doulatram

Dr. Sachchidananda Sinha, Bar-at-law
Sinha Library Road
Patna.

109. *From Bhagat Singh*

4th September 1947

Subject: *Translation of Indian Republic Constitution into Hindi and Urdu.*

Dear Sir,

Sometime ago I came across a news item in the Press that a Committee of Experts was being formed to advise on the translation of Indian Republic

Constitution and since by reason of my practical experience as a judicial officer, as a linguist, as a lexicographer, I was deeply interested in the matter, I addressed a letter to Dr. Gopi Chand Bhargava, then leader of the Punjab Congress Party and now Premier of East Punjab, and brought to his notice how during the last five years (since August 1942) I had devoted an infinite amount of labour in coining suitable equivalents for about 15,000 legal and political terms. My chief object at that time was to coin the terms in Punjabi, but for achieving that end I studied a very large number of books of reference in Hindi, Urdu and English and further collaborated with Dr. Raghuvir, M.A., Ph.D., Editor-in-chief of the great English-Indian Dictionary. From Mr. D.C. Narang (of Hindi Bhawan), Secretary of the Lahore Congress Committee, I have now come to know that it is your goodself who is mostly concerned with all the literary activities of the Union Government. I, therefore, feel it my duty to bring my contribution to your personal notice so that if the labour already spent by me and my experience in judiciary can be of some help to the Committee, it may be utilised in any form you may deem fit.

In this letter I think it unnecessary to refer to my academic career and legal, linguistic, literary, social and other interests, except this that sometimes it pains me to find in the radio broadcasts from New Delhi, how constitutional terms coined in an unscientific and unprecise manner are getting into circulation.

With respectful regards,

Yours sincerely,
Bhagat Singh
District & Sessions Judge, Karnal

The Hon'ble Dr. Rajendra Prasad, M.A., Ph.D.
President, Constituent Assembly
1 Queen Victoria Road, New Delhi.

110. *To Vallabhbhai Patel*

1 Queen Victoria Road
New Delhi
The 5th September 1947

My dear Vallabhbhai,

Last night a large mob of Meos, some 500 or so, came out in Karolbagh and began demonstration in the streets. Subsequently the military party arrived and they dispersed. The situation, however, is extremely explosive and the non-Muslims in that area, who are in minority, are very apprehensive of an attack. I find from today's newspapers a report that the proposal is to transfer the Meos to West Punjab. The sooner this is done the better, but while this process goes on,

and it is likely to take time, it would be better if they could all be concentrated in camps near Juma Masjid or elsewhere separated from the Hindu Bastis and kept well under guard. If once the trouble starts in the city it will be difficult to check it. I know the local authorities have been very vigilant; still I thought it necessary to draw your attention to this fact.

There are one or two things which have been brought to my notice. I do not know about their correctness but if they are correct something should be done to remedy the resulting difficulties. I understand that a large number of police officers in charge of various police stations are Muslims. They are said to be from 70 to 80 in number. The Hindus are naturally apprehensive that they may not get protection from them when the trouble starts. Shops dealing in arms are also owned by Muslims and, I am told, there are at least three such shops. This has to be taken into consideration. There is a demand on the part of the Hindus of the city as distinguished from refugees that they (the residents of the city) should be provided with arms for self-defence against immigrants like the Meos. I am passing this on for your consideration. Whatever has to be done should be done without delay so that trouble may not start.

Yours sincerely,
Rajendra Prasad

P.S. After the above was typed my attention was drawn to a letter of the 'our correspondent' published in this morning's (5th September) *News Chronicle*, page 2, in which it is stated permanent accommodation for a further quota of more than 35,000 Meo refugees has been provided for in Delhi. This is besides 15,000 who had been here from before. It is also said that the Government of India has made a grant of Rs.5 lakhs for the relief of Meos. This all is bound to inflame forth the feelings. I do not know how far the news is correct. If not correct, it should be contradicted at once.

R.P.

Sardar Vallabhbhai Patel
Minister for Home, Information and States
1 Aurangzeb Road, New Delhi.

111. *From Vallabhbhai Patel*

New Delhi
5th September 1947

My dear Rajen Babu,
Thank you for your letter dated 5th September 1947.

2. I am sending you herewith a copy of the Delhi Daily Situation Report for the 4th September 1947,* which will show what the factual position is in regard to attacks by one community or the other. You will notice that the attacks have been almost all one-sided and the aggressors have been Hindus or Sikhs. This seems sufficient to disprove the fears entertained by Hindus as reported to you. In the meantime, however, I realise the possible danger to law and order, health and sanitation of the city from the three camps in which Meos are at present housed; and we are trying to arrange their transfer to West Punjab by army trucks which are going to help the evacuation of refugees from East and West Punjab. It will not be possible, however, for the present Karolbagh camp to be transferred to Juma Masjid. The latter is already full of Meos in a very unsatisfactory condition. The danger to the health of the city from those unhygienic conditions is real, and to add to that population would mean enhancing that danger.

3. There is a sufficiently large number of Muslims amongst the Police Force in Delhi, but it is difficult to displace them because they are permanent Government servants, and to discharge them without any charge would involve the payment of compensation. We suggested to the Pakistan Government that they might exchange with us the staff in the Chief Commissioners' Provinces who might opt for Pakistan with the staff in Baluchistan who might opt for India, but the Pakistan Government were unwilling and therefore the matter had to rest there. Nevertheless, we have been able to restore the balance in the representation of various communities in the upper ranks of the Police Force. As regards the lower ranks, the position is difficult, but I am trying to have the Muslim element rendered as innocuous as possible.

4. Regarding arms licences, we have already given the licences to two or three Hindu dealers for the sale of arms. We have also, during the last six or eight months, been giving arms liberally to non-Muslim applicants, but it would be impossible during the present disturbed conditions of Delhi to embark on any more liberal policy, as in the present atmosphere surcharged with distrust, suspicion and grievances against Muslims for the tragedies of West Punjab, we cannot be certain that this would not be used in aggression against Muslims and thereby result in the creation of a complete state of lawlessness.

5. As regards the postscript in your letter, the news regarding finding permanent accommodation for a further quota of 35,000 Meo refugees is incorrect. I have issued instructions about a week ago, and a Press Note also appeared, that no more refugees could be accepted. There was a proposal, however, to transfer the Meo refugees to places near Purana Quila and Qutab Road, but it has not materialised and perhaps it will not be implemented at all. Government of India have made no grants for the relief of Meos. You will recall that at the Cabinet meeting it was decided to make a grant of Rs 5 lakhs for relief of refugees. That amount has been placed at the disposal of the Refugee Commissioner, and out of that sum Rs.50,000 has been granted to the Chief Commissioner for all refugees *at present* in Delhi. I am doubtful, however, whether we need give the matter such prominence as to issue a contradiction.

Canards like this appear from time to time, and the best policy seems to be to ignore them.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Dr. Rajendra Prasad.

*See Appendices Part I for the Daily Situation Report

112 *To Vallabhbhai Patel*

1 Queen Victoria Road
New Delhi
9 September 1947

My dear Vallabhbhai,

After my return from the Emergency Council yesterday I am down with fever and bronchitis. I therefore regret I shall not be able to attend the meeting at your place at 8.30 or the Emergency Council this morning.

I got a message from Mr. Ram yesterday that he was not able to keep the ration shops open as some of the shops had been looted. There was also no food-stuff left in other shops. But there is a **certain** quantity which has reached the Railway station and is in train. If it could be **unloaded** and sent to the shops, it would remove the difficulty of supply. I asked the Food Secretary, Mr. Vishnu Sahay, to get in touch with the authorities and arrange unloading the supply and carrying it to the ration shops but the Chief Commissioner expressed his complete inability to do anything as he did not have the resources. I mentioned the matter to you also on the phone. Later in the evening Smt. Sucheta Kripalani saw me and said that there was no food in the refugee camps and the refugees were naturally upset. There is no food in the houses in New Delhi also. Maulana Azad's Secretary telephoned that there is no food in his house. So, unless something is immediately done, a very very serious situation would arise. If the civil authorities are not in a position to manage, it is much better to place the whole thing, at any rate so far as food is concerned, in the hands of the military. The authorities of the Ration Department could assist the military in the actual distribution but they might take the responsibility for the administration of food.

2. I am told that in some places arms in large quantities are stored. I am also informed that there was practically a pitched battle yesterday between the Government forces and rioters, chiefly Musalmans, in Subzimandi and Paharganj areas. This, of course, proves the allegation that arms are stored. There is also, I am told, a big store of arms at a Meo refugee camp in Paharganj in or about the Idgah. I am passing this information for what it is worth. The places should be

searched and arms should be taken possession of. It is no use depriving people of lathis and kripans if firearms are allowed to remain with some groups. We have reached a stage when something very drastic has to be done.

3. There is one thing which is very essential and I have no information whether it has been done. In case of any emergency we do not know whom to telephone and whom to approach. The first thing essential is to have a control station where information from all places should be received and movement of Government forces controlled. If there is such a place, I should like to know the telephone numbers and those telephone numbers should be publicised so that people might know. There should be a sufficiently large staff there with authority to deal with any situation that may arise. There is no use leaving it to the Chief Commissioner or Deputy Commissioner who must be running from place to place and cannot attend to such calls. There must be an organisation to receive such complaints and information and take necessary steps for meeting the situation. This is very important and should be immediately done.

Yours sincerely,
Rajendra Prasad

Sardar Vallabhbhai Patel
Minister for Home Affairs
New Delhi.

113. *From C. Rajagopalachari*

GOVERNMENT OF WEST BENGAL

Government House
Calcutta
The 9th September 1947

My dear Rajen Babu,

Thank you for your letter dated the 5th September 1947. Please press Assam to despatch as much as possible to Calcutta. The movement of prices of foodgrains in Bengal is alarming; yet I cannot suddenly ask for the introduction of a policy of Government control of prices which hitherto does not seem to have been attempted.

I am following your difficulties in respect of law and order. If I may be permitted to say so, we have not set an example in restraining communal feeling. Our private conversations and exchange of views with officials have not been free from the taint which has now reached a dangerous quality. Perhaps I am indulging in overmuch self-accusation.

Since the above was dictated I see the situation has become even more anxious and difficult. Set up home. Bapu will work the required miracle.

Yours sincerely,
C. Rajagopalachari

The Hon'ble Dr. Rajendra Prasad
Minister for Food & Agriculture
Government of India
New Delhi.

114. *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
10 September 1947

My dear Prime Minister,

I enclose herewith a copy of a note recorded by my Food Secretary. It will give you an actual account of the food position in Delhi and unless we are granted necessary escort and protection and trucks are provided immediately, a serious trouble will begin for lack of food.

I know that the food administration in Delhi has been made the responsibility of the Delhi Committee set up for this purpose but I am not satisfied that this Committee will serve the purpose in the present situation and since I shall not be able to attend the meeting today, I would request you to see that adequate action is positively taken to ensure movement of grain and its protection. I have instructed my Food Secretary to comment on the Delhi Committee report when it comes up. I hope you will see that action is taken and that we are not put off with promises of trying to do something. This is now essentially a problem for the troops and Defence forces and not for my Food Organisation. If the Delhi Committee cannot guarantee the provision of escort and trucks, I would rather like to have army assistance and place the Delhi Food Department at the disposal of the army organisation and will give them necessary assistance.

Yours sincerely,
Rajendra Prasad

Enclosure:

(Note by Food Secretary)

The responsibility for food administration in Delhi is that of the Delhi

Administration primarily. The Director of Civil Supplies, Delhi Administration, says that he has been asking for police or army protection for his grain depots and for the agency which would transport grain from the depots to the ration shops but has been entirely unsuccessful. Yesterday he was promised that 60 police would be given to him for the purpose. He can arrange for labour and two days ago he could arrange for the trucks which he cannot do again. This morning he tried to contact the army authorities but was unsuccessful. This afternoon he attended a conference in Home Secretary's room on the subject and all that he has been promised is that an attempt will be made to provide him with the military escort and guard tomorrow. The question of trucks has been left with the Deputy Commissioner who has also told him that he would try to get him six or seven trucks tomorrow.

Meanwhile, Delhi ration shops have remained closed for two days and there is very little grain in them. The Subzimandi godown is under heavy fire from automatic weapons and two efforts personally made by the Director of Civil Supplies to get the truck loaded was defeated by continuous fire. No police or army protection was available or in sight.

The problem of Delhi food cannot wait and therefore it has been suggested that there should be definite order and necessary escort and protection should be found as a first priority. The escort will be needed to move grain from the depots and godowns to the ration shops, to provide protection for the godowns and depots and to provide an escort for the transport of one thousand tons of grain which is waiting in wagons at Shahdara and which cannot be brought back owing to the disturbances at Shahdara. Special trains bringing grain to Delhi are also expected from tomorrow onward and protection will be needed for these trains before they are unloaded, during the process of unloading, and for transport of the grain from the train to the godowns and depots. The minimum assistance needed in respect of transport is 30 trucks.

115. *To Vallabhbhai Patel*

- New Delhi
10 September 1947

My dear Vallabhbhai,

I have just heard from a source which appears to be reliable that there is a proposal to bring Baluchi troops into Delhi in order to guard the Meos and to escort them. From the account that we all hear there seems to be a large number of automatic weapons in the hands of Muslims in Delhi and it seems to me a most dangerous proposal that troops of this kind should be imported into Delhi for

whatever purpose. There are not enough troops in Delhi for law and order purpose and if Baluchis are added, we may well have a catastrophe

Yours sincerely,
Rajendra Prasad

Sardar Vallabhbhai Patel
Minister for Home Affairs
New Delhi.

116 *From Vallabhbhai Patel*

New Delhi
12 September 1947

My dear Rajen Babu,

1 I have received your two letters of 9 and 10 September 1947 respectively.

2. I understand that arrangements for the regular clearance of food consignments from the station and their despatch to godowns and ration shops are well in hand and that they are working efficiently.

3. As regards arms, we are fully alive to the situation, and our efforts to detect illicit collections are meeting with some success

4 A control station has been established in the Town Hall. There is a large number of officers there and it is impossible for me to give the numbers, but if you would ask Chakradhar to get into touch with the Director of Telephone, he can get the necessary information.

5 Regarding the presence of Baluchi troops, I quite agree with you regarding the danger involved but, under the Lahore decisions, we are committed to have refugee camps guarded by the troops of the community which are accommodated in them. Apparently, the Supreme Commander could find only Baluchi troops for this purpose in Delhi.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Dr. Rajendra Prasad
Minister for Food & Agriculture
1 Queen Victoria Road
New Delhi.

117. *From Dr. Sachchidananda Sinha*

Sinha Library Road
Post Box No. 62, G.P.O.
Patna
16th September 1947

My dear Rajendra,

I wrote to you some weeks back; but I have no complaint against you for not replying to it till now, as I am fully aware how intensely busy you are not only with the work appertaining to your portfolios, but also as the President of the Constituent Assembly. I am highly gratified to find that, in spite of your very strenuous work, you are keeping quite well. That is, indeed, to me a source of great satisfaction and comfort. I pray that Providence may vouchsafe to you good health, to be able to cope with your very onerous duties and responsibilities.

I have read with great pain the recent talks on the radio by Jawaharlalji and Sardar Patel, in connection with the situation in the Punjab. The partition of India was agreed to by the Congress leaders in hopes of averting (as Jawaharlalji himself declared in his radio-talk on the 3rd June) a civil war between Hindus and Muslims; but (very unfortunately for us) I am sure you will agree with me that a civil war has come about, perhaps in an acuter form. It is practically co-extensive at present, to a larger or lesser degree, with the whole of old India. Circumstanced as we are, we can but hope for the best. I am sure our Government at Delhi are doing the best they can to cope with the situation, and I wish them early success.

My health is now better. Doctors Banerji and Raghunath Saran prescribed three weeks back a medicine for the pain in my chest (early in the morning) and it has done me good, as I have not had an attack since I began using the medicine daily about three weeks back. But I did not go to Ranchi to attend the session of the Assembly, as the doctors did not advise me; nor have I gone for the same reason to Allahabad to meet Sir Tej Bahadur with all my anxiety to do so. But I shall consult the doctors, in a day or two, and if they advise me, I may go to meet Sir Tej Bahadur sometime next week.

Another thing: I have been informed that Maulana Azad Saheb is coming to Patna to deliver the convocation address at the University on the 30th December, and that the Syndicate had decided that he, you and I should receive on that occasion degrees *honoris causa*. I received a letter on the subject from the Vice-Chancellor, some days back, but have not yet sent him any reply, as I am considering the matter. Jawaharlalji will also be here at the time for presiding over the Science Congress, which will begin on the 22nd January. I am posting a letter today to Maulana Saheb asking him to honour me by staying with me. But before I invite Jawaharlalji, I would like to have the advantage of your guidance in the matter. I shall write to him to stay with me, if you will advise me to do so. I have also been informed that you will be coming to Benares on the 1st October to preside over the centenary celebrations of Mrs. Besant's birthday. If you are

coming to Benares, I shall indeed be happy if you will kindly arrange to come to Patna also, for at least a day, to give us all a chance of meeting you, after so long a time.

Lastly, with reference to the two cuttings enclosed herewith from today's papers, I would like to know (a) whether the next session of the Dominion Legislature will be held from the 17th November onwards; (b) when the next session of the Constituent Assembly is likely to meet; and (c) whether I am expected to send my resignation (and if so when, and to whom) both from the Constituent Assembly and the Dominion Legislature, if I decide (as I shall very probably do) to continue as a member of the Bihar Legislative Assembly. I shall be grateful to you by your kindly taking the trouble to give me detailed information on all these points.

I fear I have inflicted upon you a very long letter. I hope you will be able to spare a little time to send a reply giving me the information I want. Your kind compliance with my request will oblige me.

With my blessings and good wishes, I remain,

Yours affectionately,
S. Sinha

Inclosures not included

118. *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
The 17th September 1947

My dear Prime Minister,

We are passing through a phase when we are likely to miss the wood for the tree. Delhi is important and the situation here should be brought under control but doing that alone will not be enough. It is no use bringing even Delhi under control by sheer military force. The root cause should be analysed and if possible dealt with. So long as the big cities of West Punjab remain denuded of all Hindu and Sikh residents, so long as places like Peshawar, Bannu and Karachi continue to be cleared of all Hindu and Sikh population, it will not be possible to bring Delhi to its normal condition and the fact must be faced. In this matter one-sided action cannot bring the desired fruit. It will indeed lead to most undesirable, unthought of consequences. We are not like the British who were ruling by sheer force of arms. We are supposed to be a popular Government representing the will of the people. We must influence that will if it is wrongly directed but we must get the people on our side. Our action today is driving the people away from us. We have not been able in the past and we are not able in the present to give any

protection to the Hindus and the Sikhs in Pakistan. It will become increasingly difficult, if not impossible, to prevent them from taking the law into their own hands. Therefore, while we should deal firmly with all disorderly elements on our side of the border we should insist that the same should be done on the other side also. As things stand, it would seem to an outsider unacquainted with the happenings of the last few weeks and depending only on the statements made by responsible persons in the Press, that all the atrocities have been committed on this side and all the suffering has been borne by the people on the other side. That is the inference of all the statements made by Mr. Jinnah, Mr. Liaquat Ali Khan, Mr. Ghaznafar Ali Khan, and last, though not least, in America by their representative to the U.N.O., Mr. Zafrullah Khan. On our side, our statements contain an admission of our guilt and a half-hearted attempt at a counter-charge. We are thus not only setting our own people against us but allowing the world opinion also to go against us.

There is a resolution recently passed by the Muslim League of the Punjab and supported by its Vice-President and Mr. Feroz Khan Noon, demanding that the frontier between Pakistan and India should be fortified and conscription introduced and the population on the border armed. Mr. Zafrullah Khan has spoken about direct action. All this ought to show which way the wind is blowing. We have an impression that the Pakistan Government is faced with all kinds of difficulties including financial difficulty. It may be true that the financial resources of Pakistan are none too great but it would be wrong to suppose, however, that we on our side are very much better off. When it comes to leading a people incited by fanatic zeal, lack of resources has never stood in the way in the past nor is it likely to do so in the future. We are apt to think that we have two-thirds of the Indian Army as against one-third in Pakistan and are therefore militarily much stronger; that we have other material resources which Pakistan does not possess, that there is a great storage of arms in our part of the country, and so on. While there may be an element of truth in all these assumptions, it would be wholly wrong to be complacent. I may be conjuring up a fearful picture but I feel that we shall ignore all those factors at our peril.

Certain practical suggestions should be taken into consideration.

(1) No person whose loyalty to the Government and to India may be in the least suspected should be allowed to hold any position of responsibility from the highest to the lowest. This should be done particularly in the case of the Military and the Police.

(2) Magazines and stores of arms should be kept in charge of persons whose loyalty is beyond question.

(3) In Delhi, all ordinary citizens should be deprived of their arms irrespective of the community to which they belong. It is not enough to prohibit carrying of lethal weapons including lathis in the streets if people are permitted to have small factories for manufacturing arms and also armouries in their private houses from where they can give fight for hours together to the military as is reported to have been done. All places where there is suspicion of arms being stored should be

searched and the arms seized. In this connection it will be noted that the Pakistan Government have called upon all the residents of Karachi to surrender all unlicensed arms within a certain time limit. Similar notification should be issued here giving a very short time and granting immunity from prosecution to those who make the surrender and after the expiry of that time all those possessing unlicensed arms should be dealt with according to law.

(4) Our delegation to U.N.O. should be kept fully posted with all happenings in Pakistan so that it may make judicious use of the information whenever required and meet the charges which Mr. Zafrullah Khan is making there.

It is unnecessary to make any suggestion regarding the way in which rioters should be dealt with as drastic action is already being taken in that behalf.

Please do not trouble to acknowledge or reply and only take such action as you consider necessary.

Yours sincerely,
Rajendra Prasad

Copy to Sardar Vallabhbhai Patel

119. *From Jawaharlal Nehru*

SECRET

17 York Road
New Delhi
17 September 1947

My dear Rajendra Babu,

Thank you for your letter of the 17th. The various matters referred to by you have been before us and we have discussed them at length in Cabinet and in the Emergency Committee as well as otherwise. So far as your suggestions are concerned, I entirely agree with all four of them and I hope they will be given effect to. Delhi and indeed most places in North India are full of illicit arms. During the last year or so everyone who could afford it, whether Hindu, Muslim or Sikh, tried to collect arms. The Punjab was and is full of them. They were easy to obtain because of war dumps. Originally little care was taken of them and subsequently they could be had at black market prices. Some of the Indian States, more especially the Muslim and Sikh States, have been a constant source of supply of arms. I hope that in Delhi a thorough search for arms will be carried out throughout the city irrespective of communities.

2. I am keeping our U.N.O. Delegation informed of happenings here. During the last two or three weeks foreign Press messages have almost uniformly laid the blame on Sikhs chiefly and partly on others. It is perfectly true, as you say, that

the picture has been very one-sided. It is extraordinarily difficult to deal with this kind of thing, as statements by individuals, however prominent, do not go very far in convincing foreign opinion. Censorship is even worse because it makes people believe that we are guilty and wish to hide facts. We have tried to influence the foreign Press by placing facts before them in Press conferences etc., and this had some result. The fact is that Delhi events have naturally had a powerful reaction on all foreigners in Delhi including Ambassadors and their staffs. These events taken as a whole have shown a picture of all Muslims, irrespective of their position or standing or residence, being hunted down and killed wherever possible. Every Ambassador's house has been visited by gangs in search of Muslim servants. The Muslim population of Delhi, or at least three-fourths of it if not more, is now living in camps in Purana Quila and elsewhere. All this, which the foreign Press correspondents have seen for themselves, has had a powerful effect upon them.

3. I quite agree with you that the statements made by Jinnah and company have been most objectionable and one-sided. It is difficult for responsible persons to sink to their level. As a matter of fact I have reason to believe that our statements, decently and moderately worded, have influenced foreign opinion considerably and Jinnah's statements have been ill-received because of their obvious partiality. We are continually taking some action in regard to all these statements, but we cannot from day to day give publicity to the action we take.

4. I must confess to you that recent happenings in the Punjab and in Delhi have shaken me very greatly. That would be a small matter; but what is a much more serious matter is that they are shaking my faith in my own people. I could not conceive of the gross brutality and sadistic cruelty that people have indulged in in West Punjab, East Punjab and in Delhi, both in the cities and in the rural areas. Of course I know very well that one thing has reacted on another and popular passions have been inflamed. Nevertheless there is a limit to killing and brutality and that limit has been passed during these days in North India. A people who indulge in this kind of thing not only brutalise themselves but poison the environment. Killing on a large scale has stopped in Delhi but individual attacks continue in odd places by the kind of persons who are normally quiet and peaceful. Little children are butchered in the streets. The houses in many parts of Delhi are still full of corpses. These corpses are being discovered as people go inside and find dead bodies which have been lying there for many days. I am fairly thick-skinned, but I find this kind of thing more than I can bear.

5. The future appears to be dark not so much because 50,000 or 100,000 people have been murdered, but because of the mentality that has accompanied this and that perhaps might continue. I quite realise that I am out of tune with this environment and not a fit representative of it. Yet I am entirely convinced that if we surrender to this mentality, then indeed we are doomed as a nation.

6. There was a time when under Bapu's guidance and insistence we used to condemn terroristic acts even when by normal standards they might have been justified in the cause of national freedom. Now open murder committed in the

most brutal way stalks everywhere and we hesitate to say much about it lest we may lose our hold on the people. I must confess that I have no stomach for this leadership. Unless we keep to some standards, freedom has little meaning, and certainly India will not become the great nation we have dreamt of for so long.

7. No one of us is under any delusion about the capacity and desire for mischief of the Pakistan leaders. We cannot take their word for anything and their actions belie their words. We have to prepare ourselves for every possible contingency including war, declared or undeclared, between the two States. We have had something much worse than national war. The only question is how we are to set about this business of being prepared and of how we are to rescue those who look to us for help in the hour of danger; also how in doing this we are to maintain some decent standards, both national and personal. Each one of us has evidently given the closest thought to all these problems and come to some conclusions, though any conclusions now arrived at might have to be varied with changing circumstances. We have faced and are facing the gravest crises that any Government can have to face, more especially a new Government. The consequences of each step that we might take are bound to be far-reaching. The world is watching us also and the world's opinion counts. But above all we are watching ourselves and if we fall in our own estimation, who will rescue us?

Yours sincerely,
Jawaharlal Nehru

Dr. Rajendra Prasad
1 Queen Victoria Road
New Delhi.

120. *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
The 22nd September 1947

My dear Prime Minister,

I have been lying ill for some days. Although there is some improvement, I am not yet fit. I am advised that I should go out for a few days' change and rest. I propose to go to Pilani tomorrow, Tuesday the 23rd, for 2 to 3 weeks. While I have been here, I have been attending to my departmental work and I have asked the Secretaries of the Food and Agriculture Ministries to arrange to refer to me important questions requiring my decision. But it may be that urgent matters requiring immediate decision might crop up and I would, therefore, suggest that some other Minister might deal with such matters. I have had a talk with Mr. Bhabha and he is agreeable. I hope this arrangement will have your approval and my absence for some days will be excused.

There is another matter which I think I have to mention to you and this is about wheat. We have had correspondence with Australia extending over months for a contract for the supply of wheat. The crop is now almost ready and will be cut towards the end of October. It has been suggested that if I went there about the end of October, it would be possible to have a firm agreement at least for one year for a good quantity of wheat, say, 5,00,000 to 10,00,000 tons. I am, therefore, thinking of paying a short visit to Australia in the last week of October. That may necessitate my absence for about three weeks. I hope to be back by the 17th November when the Assembly session begins. My visit will, of course, depend on my health at the time but I am hoping that by that time I shall be fit to undertake this work. I am provisionally fixing my visit, leaving Calcutta by plane on the 25th of October. I should like to have your views on this matter.

Yours sincerely,
Rajendra Prasad

Pandit Jawaharlal Nehru
17 York Road
New Delhi.

121 *From Jawaharlal Nehru*

New Delhi
22nd September 1947

My dear Rajendra Babu,

I have your letter of today's date. I am very sorry that you have been ill. I think you are wise to go to Pilani for some time to recuperate, although we shall miss you greatly. We are living through very difficult times and a continuing crisis, the magnitude of which few people realise. It is difficult to spare you at this time, but obviously your health must come first. In your absence I am quite agreeable of Bhabha looking after urgent matters relating to the Food and Agriculture Ministries.

I must confess that I do not particularly like the idea of your going to Australia for the Wheat Agreement. Normally, Ministers do not go for such purposes. In view of the crisis in India, your presence here is eminently desirable. This crisis is a continuing one and is not likely to resolve itself soon.

Yours sincerely,
Jawaharlal Nehru

The Hon'ble Dr. Rajendra Prasad
Minister for Food and Agriculture
New Delhi

122. To Dr. Sachchidananda Sinha

1 Queen Victoria Road
New Delhi
The 23rd September 1947

My dear Sir,

Please excuse the delay in acknowledging your letters dated the 16th September and the 18th September. I have been lying ill with my old trouble of asthma and cough for a fortnight and I have not been able to do any work at all. I was feeling tired and was thinking of taking rest for a few days, but before I could do so I was overtaken by this illness. I am somewhat better now and had arranged to go to Pilani, where the climate is dry, for a fortnight or so, but trains are not regularly running and I could not go by air as I understand the landing ground is under water at Loharu from where Pilani could be reached at a distance of about 16 miles. So I am detained here until the weather clears or the train service becomes regular. It is my old trouble which distresses me, but there is no cause for anxiety.

2. I am glad to learn that you have recovered from the set-back and the medicine which Dr. Banerji and Dr. Saran prescribed has done you good.

3. The Constituent Assembly will meet from the 17th November onwards till the 5th December for legislative business and thereafter it will meet as Constituent Assembly for passing the Constitution. A provisional draft is now ready and has been referred to a small committee and will be placed before the Constituent Assembly at its next session which will be a prolonged one and will go on till about the middle of January within which time it is hoped the Constitution will have been considered and passed by it.

4. There is no question of your resigning from the Constituent Assembly because you are a member of the Provincial Legislative Assembly. In the Government of India adaptation made by a special Order-in-Council it has been made clear that it is possible for a person to be a member of a Legislative Assembly of a Province and also of the Constituent Assembly simultaneously. So no one is required to resign, but of course it is open to any member, if he so desires, to resign his seat. I do not think you should resign. I think the misapprehension has arisen because of another adaptation which lays down that a member of the Constituent Assembly of India could not be a member of a Provincial Assembly in Pakistan or of the Constituent Assembly of Pakistan. No such disqualification has been laid down for members of Provincial Legislature of any Indian Province.

5. I have received a letter from Sir C.P.N. Singh informing me that the Syndicate has accepted his proposal of offering a Doctorate, *honoris causa*, to me at the next Convocation. I think it will not be right to refuse the offer and I am writing accordingly.

6. You might certainly ask Pandit Jawaharlal also to stay with you when he

goes to Patna for presiding over the Science Congress as you have done to Maulana Sahib. I know he has regard for you and would gladly accept the invitation unless the Reception Committee fixes up some other residence for him.

7. It is true I had promised to go to Benares on the 1st October, but it is now a difficult question as I shall not be able to undertake the journey or any engagement for that matter on the 1st even in Delhi. So I have informed the people in Benares expressing my regret.

8. We have been passing through very anxious times. Delhi situation is under control now, but the whole situation is explosive. We do not get detailed news from West Punjab, but whatever trickles down is bad enough. More than a million men have already crossed borders on either side and a similar number if not more are in the process of doing so. There is a big caravan of about 400,000 men, women and children marching from Lyallpur District to India. Similar caravans are going from this side too. It seems West Punjab and the Frontier Province will have no Hindu or Sikh and similarly East Punjab will have no Muslim. The wave was spreading as far as Delhi and has been stemmed for the time being. Nobody knows how far and how long it can be kept from spreading farther eastward. Jawaharlalji and Sardar Patel are doing their utmost to control the situation. Mr. Bhabha is in charge of the Delhi Committee and Mr. Neogy has been appointed specially as the Minister in charge of Rehabilitation and Relief. It is a tremendously big problem. How and where to settle these millions who have been uprooted from their hearth and home and are trekking to India? The Pakistan Government has similar problem but they are in the advantage of having canal colonies which have been vacated by the Sikhs and the population which is migrating from this side might very well be settled there, but I am afraid if the wave spreads farther East and there is voluntary or forced migration of Muslims from outside the Punjab the position will become very difficult for them to manage. That is why both the Governments are anxious not to have any further migration. Our position is very difficult. Western Punjab and the N.W.F.P. and very largely Sind will have practically no minority problem. Similarly Eastern Punjab also may not have it but the rest of India as also Bengal will continue to be pestered by the same problem. But apart from this the tremendous task of rehabilitating millions is a most baffling thing. To add to our difficulties there is not enough food to go round. I do not wish to trouble you with these most difficult problems with which the newly born Government is face to face today. My regret is that on account of my ill-health I am unable to do anything at the present moment.

9. The situation in Western Punjab is still so dark to us that it is not possible for me to make any suggestion at this stage. I believe your property in Lahore is mostly house property and must have been rented out to tenants. If the tenants were Hindus or Sikhs you may take it that they have vacated the houses and gone away somewhere if they are alive, but if they were Muslims or if the houses were rented to Government then probably there is no change in the position. I think

the best course would be to give a list of the houses and write to the High Commissioner, Mr. Sri Prakasa, who is at Karachi, giving him the details and requesting him to see what can be done. There is a Deputy High Commissioner in Lahore, Sardar Sampuran Singh, who may be addressed also in this connection or a copy of the letter to Mr. Sri Prakasa may be sent to him for necessary action. It is possible they may be able to do something. It has been agreed between the two Governments of India and Pakistan that an officer will be appointed by each to take charge of refugees' properties and if somehow these houses could be placed in charge of the officer then perhaps something might be done. But all this will, in any case, take time and as far as I can judge until things settle down nothing much could be done. If you send me the particulars of the properties with a letter I might take it up with the External Affairs Department or with the High Commissioner independently, but you or Radhakrishna as the owner should move in the matter first.

Please excuse the delay in writing. I may be going to Pilani in a day or two when either train service is resumed or the aerodrome becomes fit for landing.

Yours affectionately,
Rajendra Prasad

Dr. Sachchidananda Sinha
Sinha Library Road
Patna.

123. *From Jawaharlal Nehru*

PRIME MINISTER'S SECRETARIAT

No. 20(1)-P.S./47.

New Delhi
25th September 1947

My dear Rajendra Babu,

At yesterday's Cabinet meeting we considered the question of your visiting Australia for the Wheat Agreement. All our colleagues were unanimously of opinion that it would not be fitting for a Cabinet Minister of the Government to visit Australia for this purpose; further that, in the present emergency, Cabinet Ministers should remain in India.

I might mention to you that in connection with the Japanese Peace Treaty and the Canberra Conference great pressure was brought to bear upon us to send a Cabinet Minister to Australia for a few days. We resisted this, however, as we did not think that a Cabinet Minister should leave India and we sent Sir B. Rama

Rau instead. I think it would be desirable if you send a senior official to Australia for this purpose instead of going yourself.

Yours sincerely,
Jawaharlal Nehru

The Hon'ble Dr. Rajendra Prasad
Food and Agriculture Minister's Camp
Pilani (Jaipur State).

124. *To Vallabhbhai Patel*

Pilani
Jaipur State
29 September 1947

My dear Vallabhbhai,

I arrived here on the 27th evening. The weather is clear and bright and I hope it will help me to recuperate soon.

On the 26th evening Rajkumari Amrit Kaur saw me with a message from Bapu. It was to the effect that I was unable to put forth the energy that the food situation required and I should therefore give it up. I told him I would do it unhesitatingly if it did not embarrass the Prime Minister in finding a substitute. I saw Bapu on the morning of the 27th on my way to the aerodrome. He told me that I should not give up the Constituent Assembly Presidentship and should also retain the agriculture portfolio but should give up food. I told him that if it did not cause embarrassment to the Prime Minister I would do so and requested him to speak to Jawaharlalji which he said he would do. I have not mentioned the matter to anyone else up to now, as I did not like it to be talked about before it was finally decided. I am writing to Jawaharlalji today communicating to him what is stated above and on hearing from him will take such action as may be required. I know it will come to the department as a bombshell and if it is finally decided I shall prepare them for the news before I actually send in my resignation. I am therefore writing to you also in a personal secret cover.

I hope things are improving. It takes long for letters to come here. I have asked the Food Secretary to arrange to send my mail bag. If you have to send anything to me please have it handed over to him for being passed on to me. Please let me know what reply you got from Patna to your letter about the Governor.

Yours affectionately,
Rajendra Prasad

Sardar Vallabhbhai Patel.

125. *From Sir B.N. Rau*

4 Hardinge Avenue
New Delhi
October 11, 1947

Dear Dr. Rajendra Prasad,

I am sending herewith two files, one relating to a proposed visit of mine to the U.S.A. and (on the way) Ireland, and the other to a representation from the Constituent Assembly staff. As to the former, the note on the file is self-explanatory; I may add here that the idea owes its inception to a suggestion which you made in conversation some months ago. It is chiefly about the other file that I am writing this letter. It seems monstrous that newspapers should join in this kind of propaganda: I can only hope that they have been misinformed or only half-informed. Now that the Constituent Assembly is nearing the end of its constitution-framing, people tend to forget the enormous labour and devotion to duty which have enabled it to reach this state. When we started, we had no models, no precedents, no rules; we have not only built up this organisation, but have ourselves furnished a model to other countries – to Burma and even Pakistan. I know that Burma's labours have halved, because of the spade-work done by us and the material we prepared. Although I have not had much to do with the administration side of the office since January last, I have watched the staff at work early and late and cannot say too much in their praise. You probably know even better than I do the magnitude of their contribution since you became President, but their work began 5 to 6 months earlier. They have had very hard job to do and deserve every protection.

Hoping that Pilani has improved your health and with kind regards,

Yours sincerely,
B.N. Rau

126. *To Sir B.N. Rau*

IMMEDIATE

Camp: Pilani
13 October 1947

SIR B N RAU
CONSTITUENT ASSEMBLY
NEW DELHI

RECEIVED YOUR NOTE ABOUT VISIT TO USA AND IRELAND STOP YOUR VISIT
APPROVED AND YOU MAY PROCEED WITH PADMANABHAN AS SOON AS
POSSIBLE STOP THE MATTER MAY BE PUT UP BEFORE THE FINANCE COMMITTEE
FOR SANCTION AT HIS NEXT MEETING

RAJENDRA PRASAD

127. To Dr. Sachchidananda Sinha

P.O. Pilani
Jaipur State
The 14th October 1947

My dear Sir,

After I wrote to you from Delhi I came here on the 27th September. After arrival, I was not quite well for some days but the climate of this place as also the Ayurvedic treatment did me good and I am now free from fever and practically also from cough. I am now proposing to go back to Delhi in about a week's time. I am able now to take walk, both morning and evening. I hope you have been **keeping well and the trouble which you had has been got over.** I hope Radhakrishna has written to the persons I suggested in my last letter to you about the Lahore properties.

Pilani is only about 120 miles from Delhi by train. It is therefore so near and yet so far because of want of regular and quick communication. At the present on account of the stopping of running of several trains, one of them being that which used to come this way, Pilani is cut off from Delhi except by a most circuitous route via Jaipur which practically trebles the distance. But apart from distance the timing of trains is such that it takes at least four days for a letter posted in Delhi to reach me here and although I am getting my dak and newspapers from Delhi they come to me four days after they are posted. The only source of getting news therefore is the radio which I occasionally listen to. But in a way it has been good because I do not get worried about all kinds of news coming in everyday. I hope it will be possible for you to attend the session of the Legislative Assembly which begins on the 17th November and which practically goes right up to April with a short break in December and January. The Assembly will take up its constitution-making work in December and this time it will be the final draft which will be put up for consideration. The draft is now ready and has been referred to a small drafting committee which is practically doing the work of a Select Committee and the draft which has been prepared on the basis of the decisions arrived at in the Assembly and partly independently on points not covered by such decision by Sir B.N. Rau will, when passed by the drafting committee, be placed before the Constituent Assembly for being passed. That will be rather a prolonged session and every question has to be carefully considered by the members.

Yours affectionately,
Rajendra Prasad

Dr. Sachchidananda Sinha
Sinha Library Road
Patna.

128. *From Jawaharlal Nehru*

PRIME MINISTER'S SECRETARIAT

New Delhi
15th October 1947

My dear Rajendra Babu,

I received your telegram and your letter a few days ago

I consulted members of the Cabinet again and they felt that, taking everything into consideration, it would be undesirable for a Minister to go to Australia for wheat negotiations. Normally speaking, such delegations should not be led by a Minister. In the present set of circumstances with a crisis in India it seems even less desirable. As you are not well enough to go, there is no point at all in thinking of someone else going.

Of course, our delegation should be a good one with a forceful leader.

As regards your letter, this matter should wait till your return when we can discuss it.

Yours sincerely,
Jawaharlal Nehru

The Hon'ble Dr Rajendra Prasad.

129. *To Dr. P.C. Ghosh*

Camp: Pilani (Jaipur State)
The 16th October 1947

My dear Dr. Ghosh,

You saw me in Delhi when I was ill. I came away to Pilani on the 27th for a change. I am much better and I am thinking of going back on the 19th.

I received a telegram, a copy of which is herewith attached, asking for my support for a fund known as Barin Ghosh Fund for the support of the group of Shri Barin Ghosh and Shri Ullaskar Dutt. I do not know who the organisers of the Fund are and whether the sender of the telegram, Shri Brojendrakishore Roychoudhury, is the Zamindar of Muktagaccha who took such a prominent part in the Swadeshi days. I shall be obliged for your advice in the matter. I can make only a token contribution but can certainly lend support to the appeal for funds if you so advise. I shall be obliged for an early reply.

I am glad to learn from the reports that have come here that Orissa States have come forward with offer of rice which has all been allocated to Bengal in view of the serious situation there. I believe this comes to over five thousand tons. I also understand that some amount of rice is going to be made available from Burma also. But they do not like this fact to be published on account of their local considerations. So you will not please allow this matter to be published.

I am glad to note that your Government is striking out some new lines of its

own and has earned the good opinion of some of the statesmen. How is the experiment of the noting on the files in Bengali progressing?

I hope you are doing well.

Yours sincerely,
Rajendra Prasad

Dr. P.C. Ghosh
Prime Minister, Government of West Bengal
Calcutta.

Enclosure not included

130. To the Secretary to the Constituent Assembly of India

1 Queen Victoria Road
New Delhi
The 23rd October 1947

It has been suggested that the draft of the Constitution should be published and copies of it made available to the public before it is put up before the Constituent Assembly for consideration and finally passed. I consider this suggestion to be reasonable as the public should be kept informed about the form which our Constitution is likely to take. If we are to wait until the draft has been revised by the Drafting Committee, there will probably be no time left for getting it printed and published. I, therefore, propose to have the draft prepared by the Constitutional Adviser published at this stage and copies of it made available to the Press and the public. When the Drafting Committee makes any amendments or modifications, those amendments may also be published. Unless you consider this course or the publication undesirable, I propose to give instructions to the Secretariat to take necessary steps in this behalf. It is hardly necessary for me to add that the Constitution of a country is a very important and vital thing and nothing but good can result from keeping the public informed about the developments taking place in drawing it up.

Yours sincerely,
Rajendra Prasad

131. To Sir V.T. Krishnamachari

1 Queen Victoria Road
New Delhi
The 23rd October 1947

My dear [Sir V.T. Krishnamachari,]

You will remember the talk which I had with you about the English words and

their Hindi and other Indian language substitutes. You said that an attempt was made by the Government of Baroda in this respect and they had with them in their Library a full complete set and you promised to write to them to send them to me. As I told you I had myself a talk with Sir B.L. Mitter and he had promised that he would make enquiries as he had no information. On my return from Pilani I have received four volumes of the compilation made by them. They are all in manuscript and I hope they would prove to be of help to the Committee of translators which I have appointed.

I take this opportunity of thanking you and your State for the trouble which you took in coming to Pilani to meet me and the kindness and courtesy shown to me during my stay there as also for the military guard arranged for me to escort me from Jaipur to Pilani and from there to New Delhi and at my residence there.

Yours sincerely,
Rajendra Prasad

Sir V.T. Krishnamachari
Prime Minister, Jaipur State
Jaipur.

132. *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
The 6th November 1947

My dear Jawaharlalji,

I have your letter dated the 2nd instant forwarding to me the letter of Begum Aizaz Rasul. She has also sent a similar letter to me. They not only require arrangements to be made for their safe travel to Delhi but also protection during their stay here. At his request Mr. Saadulla, who is a member of our Drafting Committee, had to be provided with armed guards who escorted him from the Aerodrome to his residence at Ferozshah Road on the 27th October and are there for his protection. But it seems he still considers himself unsafe as he told me that he would like to return to Assam. Besides Begum Aizaz Rasul's letter, I have also received a telegram from a Muslim member of the Constituent Assembly from East Punjab as also a letter from Bihar. They have all been informed to travel by plane and I have asked the Secretary to get some rooms in the Constitution House reserved for the Muslim members so that they may be put together and, if necessary and desired by them, police guards may be provided

there. It would, of course, not be possible to postpone the session as mentioned by her and also by one other Muslim member in his letter to me.

Yours sincerely,
Rajendra Prasad

Pandit Jawaharlal Nehru
Prime Minister
New Delhi.

133. *From Jawaharlal Nehru*

P.M. No. 188

New Delhi
8th November 1947

My dear Rajendra Babu,

The Chief Justice of India came to see me today and he suggested that we should pass legislation as soon as possible to change the nature of our Federal Court and make it a Supreme Court. I told him that our new Constitution was going to do it. He said that is alright but this might involve delay and there is no point in further appeals going to the Privy Council. Besides, after we have decided to stop Privy Council appeals, it will take some time to make the necessary preparations here. In any event, those appeals which have already gone with their records to England will have to stay there. We can stop all those matters whose papers are still here even though leave to appeal has been given.

All that is necessary I suppose for the present is to enlarge the jurisdiction of the Federal Court so as to enable it to consider those appeals which might go to the Privy Council

I am writing to you so that this matter might be considered by the appropriate Department. If you agree, the Legislative Department might take this in hand. I am sending a copy of this letter to Dr. Ambedkar.

Yours sincerely,
Jawaharlal Nehru

The Hon'ble Dr. Rajendra Prasad.

134. *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
The 8th November 1947

My dear Jawaharlalji,

I have just received your letter No. P.M. 188 of today's date. I agree with the

Chief Justice of India but the question is what formalities will be required and whether the necessary legislation can be passed in the session. But this is a matter for the Legislative Department and I think they should take it in hand and try to expedite it. I am sending a copy of this letter to Dr. Ambedkar.

Yours sincerely,
Rajendra Prasad

Pandit Jawaharlal Nehru
Prime Minister, India
New Delhi.

Copy forwarded to Dr. B.R. Ambedkar.

135. *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
The 10th November 1947

My dear Prime Minister,

I am agreeably surprised to read in this morning's papers the developments in Junagadh and I wish to congratulate you and the Ministry of States on the outcome. I am writing this, however, to draw your attention to the fact that incidents and events of such importance come to my knowledge through newspapers. It may not be considered necessary or possible to keep the Cabinet informed about developments as they take place but surely it is possible to give information to its members simultaneously, if not before it is supplied to news agencies. Members of the Cabinet should not be left to pick up information about events of such importance, for which they are supposed to be jointly responsible, from newspapers. I drew your attention to this fact previously also at an informal meeting of the Cabinet. In this case, it seems developments have taken at least two days to mature and it was certainly easy to have communicated at least the upshot after our men had taken charge of Junagadh at 6 p.m. yesterday.

Yours sincerely,
Rajendra Prasad

The Hon'ble Pt. Jawaharlal Nehru
17 York Road
New Delhi.

136. *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
The 13th November 1947

My dear Prime Minister,

You are aware that the question of food controls has been under discussion for some time. I want to bring up before the Cabinet proposals arising out of the report of the Foodgrains Policy Committee and the conference which I had with Provincial Ministers the other day. As the matter is complicated and likely to take time, I will suggest a special meeting of the Cabinet for this purpose so that it might consider all points of view and take decisions. I hope to be able to send the summary for the Cabinet by the week-end and a meeting may be fixed for some day next week, for this purpose. The sooner it is done, the better.

Yours sincerely,
Rajendra Prasad

The Hon'ble Pandit Jawaharlal Nehru
17 York Road
New Delhi.

137. *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
The 18th November 1947

My dear Prime Minister,

You are aware that I have been elected President of the Indian National Congress. I cannot for that reason continue to serve as Minister in charge of Food and Agriculture and beg to tender my resignation. I hope you will relieve me as soon as possible.

Yours sincerely,
Rajendra Prasad

The Hon'ble Pandit Jawaharlal Nehru
Prime Minister, India
17 York Road
New Delhi.

138. *To Dr. Sachchidananda Sinha*

1 Queen Victoria Road
New Delhi
The 21st November 1947

My dear Sir,

I have received your kind letter of the 17th November 1947. I have already explained to you the difficulties. I am going to speak to Mr. Neogy again and if he so advises I will write to Sjt. Sri Prakasa and Sjt. Sampuran Singh.

You may have read in the papers about the latest developments in Congress politics. It was a decision which had to be taken in the interest of the Congress organisation. My colleagues felt that I must shoulder the burden and I could not say no to it but I made it a condition that if I had to become the President of the Congress I could not carry on as a member of the Government because the work would be too heavy for me. I accordingly sent in my resignation on the day following that on which the resolution was passed by the A.I.C.C. electing me President. But as I have not yet been relieved I am still carrying on my duties as a member of the Government. The Presidentship of the Constituent Assembly, I am advised by the friends who wanted me to take up the Congress Presidentship, stands on a different footing. I am told that I can continue there. I have my own doubts about it but the question has not yet arisen and so no decision has yet been taken by me.

You may rest assured that I will do all that I can although I know my own limitations and do not know whether I can do anything at all. I hope your health is better.

Yours affectionately,
Rajendra Prasad

Dr. Sachchidananda Sinha
Sinha Library Road
Patna

139. *From Jawaharlal Nehru*

P M. 229

17 York Road
New Delhi
22 November 1947

My dear Rajendra Babu,

I have your letter of the 18th November. I appreciate entirely that in view of your election as President of the Indian National Congress, it will be difficult for

you to function as Minister in charge of Food and Agriculture. I would request you however to continue in charge of these portfolios for some days longer till other arrangements are made. As you will no doubt realise your Ministry has dealt with the most vital problems and it is not easy to find someone to take your place. We are at the present moment considering the question of controls and it is desirable that some decisions should be arrived at with your help and while you are in charge of these departments.

May I express my grateful thanks to you for all that you have done during this past year and more and for the friendly cooperation which we have received from you during a very difficult period in our history. I am sorry that you have to leave the Cabinet. But that of course does not mean any break in our cooperation in public life for the country's good.

Yours sincerely,
Jawaharlal Nehru

The Hon'ble Dr. Rajendra Prasad
Minister for Food & Agriculture
1 Queen Victoria Road, New Delhi.

140. *From Jawaharlal Nehru*

New Delhi
24th November 1947

My dear Rajendra Babu,

As you know, a meeting of the All India Congress Committee was held in New Delhi a week ago. This meeting considered the present situation and passed a number of important resolutions. You must have seen these resolutions in the newspapers. Nevertheless, I am sending you a copy of some of the resolutions bearing on general policy.

Many of the members of the Cabinet are also members of the All India Congress Committee and they took part in these discussions and in the passing of these resolutions. Naturally, therefore, it is their desire as well as mine that the policy followed by Government in regard to these matters should be in line with the resolutions passed by the A.I.C.C.

I would draw your special attention to the last resolution, i.e., the resolution on Congress objectives. This resolution is in the nature of a general directive for the formulation of an economic programme. It is vague as it is because a Committee has been asked to draw up this programme. Nevertheless it signified clearly what the Congress is aiming at and what, I trust, the Government will work for.

It is becoming increasingly important that the Government of India should lay down its economic, industrial and labour policy as speedily as possible. Some attempt has been made from time to time to deal with the problems separately. It

is hardly a satisfactory method. Some kind of a comprehensive picture must be seen towards which we can work in each individual sector. Hence it is necessary that we should consider this problem in its entirety and lay down a more or less precise policy.

Probably the best way to do so will be to consider the report of the Advisory Planning Board with the recommendations of the Economic Sub-Committee which was formed sometime ago.

Yours sincerely,
Jawaharlal Nehru

The Hon'ble Dr. Rajendra Prasad.

Enclosure:

(Resolutions passed by the All India Congress Committee at its meeting held in New Delhi on 15 and 16 November 1947)

The All India Congress Committee welcomes the elimination of foreign rule in India and the establishment of a free and independent state and a government responsible to the people of the country. The achievement of freedom is the culmination of the long struggle of the Indian National Congress and outcome of the sufferings and tribulations of the Indian people. Freedom brings responsibility and new burdens and problems.

The freedom achieved was not the kind that the Congress had envisaged during its long history. It has been accompanied by secession of parts of the country and disasters of unparalleled magnitude. Hardly was Free India born when grave crisis overtook it and events happened which have besmirched her fair name and brought death and desolation to vast numbers of innocent people in circumstances too tragic for words. There have been arson and loot and murder on a mass scale in West Punjab, N.W.F. Province, Baluchistan, East Punjab, and adjoining areas. The Committee cannot find words strong enough to condemn these inhuman acts by whatever community perpetrated. It extends its sympathy to all those who have been the innocent victims of this colossal tragedy.

At this moment of crisis, it is necessary that the Congress should again declare its faith and policy in clear terms and that the people as well as the Government should follow that policy unswervingly. Even though the Congress agreed to a division of the country in the hope, which has thus far proved vain, that thereby internal conflicts might cease, it has never accepted the theory that there are two or more nations in India. It has firmly believed in the whole of India as a nation bound together by indissoluble cultural and historical links which had been further strengthened in the course of the national struggle for freedom. It was on the basis of this faith that the Congress grew up as a national institution open to all Indians without difference of creed or religion. India is a land of many religions and many races and must remain so. Nevertheless India has been and is

a country with a fundamental unity and the aim of the Congress has been to develop this great country as a whole as a democratic secular state where all citizens enjoy full rights and are equally entitled to the protection of the state, irrespective of the religion to which they belong. The Constituent Assembly has accepted this as the basic principle of the Constitution. This lays on every Indian the obligation to honour it.

The Congress wants to assure the minorities in India that it will continue to protect, to the best of its ability, their citizenship rights against aggression. The Central Government as well as the Provincial Governments must accordingly make every effort to create conditions wherein all minorities and all citizens have security and opportunity for progress. All citizens on their part not only share in the benefits of freedom but also shoulder the burdens and responsibility which accompany it, and must, above all, be loyal to India.

The All India Congress Committee calls upon all Congressmen and the people of India to adhere strictly to these well-established principles of the Congress and not to allow themselves to be diverted into wrong channels by passion or prejudice or by the tragic events that have happened. Real good and progress of India have yet to be achieved and this can only be done by adhering to the ideals and policy of the Congress and discarding and opposing all false doctrines which have done so much mischief to India and her people.

RESOLUTION ON 'REFUGEES'

The tragic events that have taken place in recent months in the Punjab and elsewhere have resulted in vast migrations of populations, and consequently in tremendous suffering to millions of people. New problems of relief and rehabilitation have arisen of a magnitude which is unparalleled in history. The Government of India have faced these problems with courage and determination. Nevertheless it is necessary to state clearly what the national policy should be in dealing with these problems.

The A.I.C.C. has looked with disfavour on this large-scale migration which brings suffering to millions, upsets the nation's economy, and does violence to the ideal which the Congress has held since its inception. It is of opinion that these migrations should be discouraged and conditions should be created both in the Indian Dominion and in Pakistan for minorities to live in peace and security. If such conditions are created the desire to migrate to another part of the country will disappear. In the opinion of the Committee, it is wrong to coerce Hindu and Sikh inhabitants of Pakistan into leaving their homes and migrating to the Indian Union, and Muslims of the Indian Union into migrating to Pakistan.

While it is impossible to undo all that has been done, every effort should be made to enable the evacuees and refugees from either Dominion ultimately to return to their homes and to their original occupations under conditions of safety and security. Those who have not left their homes already should be encouraged to stay there unless they themselves desire to migrate, in which case facilities for

migrating should be made available. It is the duty of the Central Government of the Indian Union and the Government of Pakistan to negotiate on this basis and to create conditions which would enable the evacuees and refugees to return with safety.

In any event the policy to be followed in the Indian Union is to protect the minorities still residing there and to prevent their removal by force or by creating circumstances which compel evacuation.

During these disorders large numbers of women have been abducted on either side and there have been forcible conversions on a large scale. No civilised people can recognise such conversions, and there is nothing more heinous than abduction of women. Every effort, therefore, must be made to restore women to their original homes with the cooperation of the Governments concerned.

The A.I.C.C. has noted with satisfaction the declarations made on behalf of the Governments of the two Dominions and East and West Punjab that forcible conversions will not be recognised and that they would cooperate in the recovery of abducted women.

Such being the policy of the Congress, the refugees in the Indian Union are entitled to every care and attention from the authorities and the people within the Union as long as they have to remain there. They are not to be regarded as interlopers grudgingly placed upon charity. They will have the same rights and be under the same obligations as any other citizen. Where they are living in camps they will be expected to render some social service in cooperation with fellow refugees, subject to the rules framed for the good government of the camp. Sanitary and other services should be performed by the inmates of the camps under instructions from those fitted for the work and who will themselves take part in these services. Refugees should be engaged in productive work as far as possible on cooperative basis.

Refugees from West Punjab shall as a rule be accommodated in East Punjab. Those from the other parts of Pakistan shall be accommodated in places that the Central Government, in cooperation with the Provincial Governments, may consider more suitable. Those from a particular locality should, as far as possible, be kept together.

In this task the Provincial Governments should offer their full cooperation and should take in and make suitable arrangements for as many refugees as they can.

No house, not vacated willingly by a Muslim, shall be used for the accommodation of the refugees, except by proper legal authority.

Movements of refugees, which are already taking place by train, convoy or otherwise, should be regulated in accordance with the policy laid down above and no one should be sent away unless he expresses his desire to migrate.

This principle should apply also to the States which have acceded to the Indian Union and from which large numbers of Muslims have been evacuated or driven out.

The A.I.C.C. trusts that the Central Government of the Indian Union, the East Punjab and West Bengal Governments, and the Governments of the States

affected by these migrations, will give effect to the policy indicated above and will issue directions to all their officers to act strictly in accordance with it.

RESOLUTION ON 'STATES'

In view of the fact that in a number of States people's organisations, instead of rising in power and influence as a result of freedom, are being suppressed and prevented from functioning; and further in view of the fact that Rulers in Punjab and some parts of Rajputana and Central India and in the South Indian States have shown an unpatriotic attitude and have betrayed a woeful lack of imagination and have been party to the liquidation of the Muslim and Hindu population by inhuman means, it becomes necessary to reiterate in unequivocal language the policy of the Congress in regard to the States.

Whatever may be the legal implications of accession and lapse of British Paramountcy, the moral result of the independence of India was undoubtedly the establishment and recognition of the power of the people as distinguished from that of Princes and feudal or other interests hostile to natural popular aspirations. This power the Congress is determined to uphold at any cost. Therefore, all such interests and specially the Princes should know that the Congress cannot uphold them unless they are demonstrably in favour of regarding the voice of the people as the supreme law. In such a democratic state the individual who wants to assert himself against the popular will cannot count, no matter how powerful he may be.

This meeting of the A.I.C.C. therefore hopes that the Princes will read the signs of the times and cooperate with the people, and those who have acted in a contrary spirit should retrace their steps and revise their undemocratic conduct and function through democratic organisations expressing the people's will. This they can best do by seeking the association and advice of the A.I.S.P.C. which has been endeavouring to act on behalf of the people of the States.

RESOLUTION ON 'COMMUNAL ORGANISATIONS'

The All India Congress Committee has noted with regret that communal organisations like the Hindu Mahasabha, the Muslim League, and the Akali Party have sought to promote their respective interests based on so-called religious considerations in conflict with the national interest. The national interest must mean and include a healthy synthesis of all interests based not on religious but political, social, material and moral grounds. Political activities must accordingly be conducted by political organisations which are based on political and economic policies and which are open to members of all communities.

RESOLUTION ON 'PRIVATE ARMIES'

The All India Congress Committee has noted with regret that there is a growing desire on the part of some organisations to build up private armies. Any such development is dangerous for the safety of the state and for the growth of corporate life in the nation. The state alone should have its defence forces or police or home guards or recognised armed volunteer force. The activities of the Muslim National Guard, the Rashtriya Swayam Sevak Sangh and the Akali Volunteers and such other organisations, insofar as they represent an endeavour to bring into being private armies, must be regarded as a menace to the hard-won freedom of the country. The A.I.C.C. therefore appeals to all these organisations to discontinue such activities and the Central and Provincial Governments to take necessary steps in this behalf.

RESOLUTION ON 'CONTROL'

The A.I.C.C. has been alarmed at the disturbance of normal life by the various controls, specially in regard to foodstuffs and clothing. These have promoted black-marketing, hoarding, corruption and other evils. They have interfered with the process of self-reliance and arrested the incentive to production specially in the matter of growing more foodstuffs and the manufacture of hand-spun and hand-woven Khadi in the thousands of villages in India. The Committee are, therefore, of opinion that the Central and Provincial Governments should give urgent consideration to the problem of decontrol as early as possible without detriment to the public good.

RESOLUTION ON 'CONGRESS OBJECTIVES'

Political independence having been achieved, the Congress must address itself to the next great task, namely the establishment of real democracy in the country and a society based on social justice and equality. Such a society must provide every man and woman with equality of opportunity and freedom to work for the unfettered development of his or her personality. This can only be realised when democracy extends from the political to the social and the economic spheres. Democracy in the modern age necessitates planned central direction as well as decentralisation of political and economic power insofar as this is compatible with the safety of the state, with efficient production and the cultural progress of the community as a whole. The smallest territorial unit should be able to exercise effective control over its corporate life by means of a popularly elected Panchayat. Insofar as it is possible, national and regional economic self-sufficiency in the essentials of life should be aimed at. In the case of industries, which in their nature must be run on a large scale and on centralised basis, they should belong to the community, and they should be so organised that workers become not only co-sharers in the profits but are also increasingly associated with the management

and administration of the industry. Land, with its mineral resources, and all other means of production as well as distribution and exchange, must belong to and be regulated by the community in its own interest.

Our aim should be to evolve a political system which will combine efficiency of administration with individual liberty, and an economic structure which will yield maximum production without the creation of private monopolies and the concentration of wealth and which will create a proper balance between urban and rural economies. Such a social structure can provide an alternative to the acquisitive economy of private capitalism and the regimentation of a totalitarian state.

With a view to drawing up the economic programme for the Congress in accordance with the above-mentioned principles and the election manifesto of the Congress dated December 19th, 1945, the following committee is appointed:

1. Pandit Jawaharlal Nehru
2. Maulana Abul Kalam Azad
3. Shri Jayaprakash Narayan
4. Prof. N.G. Ranga
5. Shri Gulzari Lal Nanda
6. Shri J.C. Kumarappa
7. Shri Achyut Patwardhan
8. Shri Sankarrao Deo

with powers to co-opt.

141. *From J.B. Kripalani*

ALL INDIA CONGRESS COMMITTEE

6 Jantar Mantar Road
New Delhi
26 November 1947

My dear Rajendra Babu,

When we met on the 19th morning I consented to carry on as Congress President pending the acceptance by the Prime Minister of your resignation as Minister which you had already sent. I had expected that the acceptance of your resignation was only a formality which would not take more than three or four days. I have however not yet heard from you. Rather there are rumours that you may not be relieved of your ministerial duties till the middle of next month. If this is true, I think it is rather unfair to our organisation. Situated as I am I cannot possibly function effectively. It has been customary for us to hold a Working Committee meeting immediately after an A.I.C.C. to dispose of such items on the agenda as are not dealt with by the A.I.C.C. This meeting has not been held. It

was expected to be held after you had appointed your new Working Committee. Under the circumstances I would like to know the probable time when you would be free to take over your new duties.

With kind regards,

Yours sincerely,
J.B. Kripalani

Dr. Rajendra Prasad
1 Queen Victoria Road
New Delhi.

142. *To J.B. Kripalani*

1 Queen Victoria Road
New Delhi
28th November 1947

My dear Kripalaniji,

Many thanks for your letter of date. I have mentioned the matter of my resignation to the Prime Minister, but it seems your forecast that I may not be released before, at any rate, the 12th of December when the Assembly session ends is correct. As you know, I am helpless in the matter. Unless somebody relieves me I cannot give up the work which I have been doing and the two Departments which have been in my charge have importance of their own. We have been busy dealing with the food control problem and although we have reached a stage when I can be released, I am afraid other considerations make it difficult for the Prime Minister to let me go before the session of the Assembly ends. I can quite see that the Congress work gets held up, but I am sorry I am not able to take over before I am released from here. I may tell you, however, that I am passing on your letter to the Prime Minister with a request that he may let me go as soon as possible.

Yours sincerely,
Rajendra Prasad

Acharya J.B. Kripalani
6 Jantar Mantar Road
New Delhi.

143. *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
29th November 1947

My dear Prime Minister,

I am herewith enclosing copy of a letter which I have received from Acharya Kripalani * It is not possible for me to take up the Congress work while I am in charge of Food and Agriculture Ministries here. The work would be too heavy for me. I can quite see Acharya Kripalani's anxiety. I can only request you to let me go as soon as possible.

Yours sincerely,
Rajendra Prasad

Hon'ble Pandit Jawaharlal Nehru
Prime Minister
17 York Road, New Delhi.

*See J B Kripalani's letter dated 26 November 1947 to Dr. Rajendra Prasad

144. *To Vallabhbhai Patel*

1 Queen Victoria Road
New Delhi
The 29th November 1947

My dear Vallabhbhai,

As different versions of the agreement with Hyderabad have appeared in the Press I shall be obliged if you kindly let me have a copy of the agreement which is proposed to be signed with Hyderabad indicating in what respect it differs from similar agreements with other Indian States. I should also like to have a copy of the Standstill Agreement with the Indian States as also of the Instrument of Accession which I believe are in identical terms so far as the other States are concerned.

Yours sincerely,
Rajendra Prasad

Sardar Vallabhbhai Patel
Minister of States, India
New Delhi.

145. *From G.V. Mavalankar*

No. 2011/47

PERSONAL AND CONFIDENTIAL

151 Constitution House
Curzon Road, New Delhi
29th November 1947

Dear Dr. Rajendra Prasad,

With reference to your note to my Secretary dated 26-11-47 *asking for certain information about appointments made up to date, I have to point out that it would have been appropriate if the note had not been addressed to the Secretary direct.

I have, however, asked the Secretary to supply the information.

With regards,

Yours sincerely,
G.V. Mavalankar

Hon'ble Dr. Rajendra Prasad
New Delhi.

*Dr. Rajendra Prasad's note to Mr. M. N. Kaul, Secretary, Constituent Assembly (Legislative), dated 26-11-47, is not available, but see his note to Mr. Kaul, dated 28-11-1947, on the same subject in Appendices Part I

146. *To G.V. Mavalankar*

1 Queen Victoria Road
New Delhi
The 29th November 1947

My dear Mr. Mavalankar,

I have just received your letter of date and am considerably surprised to read it. I think the constitutional position is perfectly clear. In the words of the report of the Committee appointed to report on certain matters connected with the future working of the Constituent Assembly after the Indian Independence Act and the Government of India Act as adapted and amended thereafter, "though transacting two kinds of business, the Assembly is one and can have only one President who is the supreme head of it both on its deliberative side and on its administrative side". But because it would be constitutionally inappropriate for the person presiding over the Constituent Assembly when functioning as the Dominion Legislature to be a Minister of the Dominion Government it was suggested that the anomaly should be avoided by making a provision in the Rules for the election of an officer to preside over the deliberations of the Assembly when functioning as the Dominion Legislature. I was authorised by

the Constituent Assembly to have necessary amendments and adaptations made which I did and under which you have been elected as an officer designated as Speaker to preside over the Assembly, as I happen at present to be a member of the Government. I do not see how you come in between me and the Secretary entrusted with the work relating to one of the functions of the Constituent Assembly of which I am the President.

Yours sincerely,
Rajendra Prasad

The Hon'ble Mr. G.V. Mavalankar
Speaker, Constituent Assembly (Legislative)
New Delhi.

147. *From G.V. Mavalankar*

No. 2022/47
PERSONAL

151 Constitution House
New Delhi
The 29th November 1947

Dear Dr. Rajendra Prasad,

Your letter marked "IMMEDIATE" came to my hands while I was in the House. It pained me considerably.

I regret I am unable to accept the position stated in your letter. I had made my position quite clear when I was asked to stand as a candidate for the Speakership. At the same time, I would not like to enter into any arguments or controversy on this issue at this stage.

But assuming for argument's sake that the position is as stated by you, the Secretary of the Assembly is my immediate subordinate and, under normal administrative etiquette, a communication to the Secretary should have gone through me.

With regards,

Yours sincerely,
G.V. Mavalankar

The Hon'ble Dr. Rajendra Prasad
President, Constituent Assembly, India
1 Queen Victoria Road
New Delhi.

148. *To G.V. Mavalankar*

1 Queen Victoria Road
New Delhi
The 29th November 1947

My dear Mr. Mavalankar,

I have received your personal letter No. 2022/47 of date. I regret that anything that I said in my letter should have pained you and I am sorry for it. Nothing was or could be farther from my mind.

I, however, only stated the constitutional and legal position as laid down by you as Chairman of the Committee whose recommendation was accepted by the Constituent Assembly. I have no knowledge of any conditions which you might have laid down before standing as a candidate for the Speakership.

The last thing I can ever do is to show any discourtesy to you. I directed the Secretary to furnish me with certain information considering that he was still in a Department under me. This order was given on the 22nd November and he did not furnish the information till the 29th. On the 26th I passed a second order which shared the fate of the first. I passed a peremptory order on the 28th. This time the information has come accompanied with your letter. I believe I can claim some courtesy from an officer in a Department of which I am supposed to be the head.

Yours sincerely,
Rajendra Prasad

The Hon'ble Mr. G.V. Mavalankar
Speaker, Constituent Assembly (Legislative)
New Delhi.

149. *To Dr. P.C. Ghosh*

1 Queen Victoria Road
New Delhi
November 30, 1947

My dear Dr. Ghosh,

I met Dr. Bidhan Chandra Roy yesterday. I have seen in the papers that there is a proposal that he should stand as a candidate for election to the Bengal Assembly in the vacancy caused by the resignation of Dr. Syama Prasad Mookerjee. He was telling me that you have an idea that the electoral roll of the University Constituency of the Bengal Assembly should be revised on the basis of the new franchise before the new election takes place. The University Constituency is not a territorial constituency and it may be that many persons who are registered as

graduates in the Calcutta University are living outside Bengal and have been voting in the election to the Bengal Legislative Assembly. I suppose the same position continues today with this difference that there may be people living in Pakistan, that is to say, East Bengal, who may be registered in Calcutta. Is it the idea to exclude those people? What is the new franchise that you are thinking of? We have not yet definitely defined citizenship and nationality and whether a man who has got his original residence in Pakistan but is living in Calcutta like you can vote in the University Constituency or a man of Western Bengal who is living, say, in Dacca can do so are questions which are not easy to answer. Would it not be better, therefore, so far as this by-election is concerned, to let the election be held on the basis of the existing electoral roll? After all, the member elected would occupy a seat only for the interim period between now and coming into force of the new Constitution. I am just writing to enquire what your ideas are. I shall be obliged if you could kindly let me have a reply.

I have not yet been relieved from my work in the Cabinet and have therefore not yet taken over charge of Congress Presidentship. The present session of the Constituent Assembly (Legislative) will go on up to the 12th December and it is possible that I may not be released till then. I expect to be free from office, say, about the middle of the next month

I hope you are doing well.

Yours sincerely,
Rajendra Prasad

The Hon'ble Dr. P.C. Ghosh
Prime Minister, West Bengal.

150 *From Vallabhbhai Patel*

New Delhi
The 1st December 1947

My dear Rajen Babu,

Thank you for your letter of the 29th November 1947. You have already seen in the Press the correspondence which has passed between Lord Mountbatten and the Nizam. I am enclosing copies of the Instrument of Accession and Standstill Agreement signed by States other than Hyderabad* and of the Standstill Agreement signed by Hyderabad.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Dr. Rajendra Prasad
Minister for Food & Agriculture
1 Queen Victoria Road, New Delhi.

*Not included

Enclosure:

(Standstill Agreement between the Dominion of India and the Nizam of Hyderabad and Berar)

AGREEMENT

Agreement made this Twenty-ninth day of November Nineteen Hundred and Forty-seven between the Dominion of India and the Nizam of Hyderabad and Berar.

WHEREAS it is the aim and policy of the Dominion of India and the Nizam of Hyderabad and Berar to work together in close association and amity for the mutual benefit of both, but a final agreement as to the form and nature of the relationship between them has not yet been reached;

AND WHEREAS it is to the advantage of both parties that existing agreements and administrative arrangements in matters of common concern should, pending such final agreement as aforesaid, be continued;

NOW, THEREFORE, it is hereby agreed as follows:

Article 1. Until new agreements in this behalf are made, all agreements and administrative arrangements as to the matter of common concern, including External Affairs, Defence and Communications, which were existing between the Crown and the Nizam immediately before the 15th August 1947 shall, in so far as may be appropriate, continue as between the Dominion of India (or any part thereof) and the Nizam.

Nothing herein contained shall impose any obligation or confer any right on the Dominion

- (i) to send troops to assist the Nizam in the maintenance of internal order,
- (ii) to station troops in Hyderabad territory except in time of war and with the consent of the Nizam which will not be unreasonably withheld, any troops so stationed to be withdrawn from Hyderabad territory within 6 months of the termination of hostilities.

Article 2. The Government of India and the Nizam agree for the better execution of the purposes of this Agreement to appoint Agents in Hyderabad and Delhi respectively, and to give every facility to them for the discharge of their functions.

Article 3. (i) Nothing herein contained shall include or introduce paramountcy functions or create any paramountcy relationship.

(ii) Nothing herein contained and nothing done in pursuance hereof shall be deemed to create in favour of either party any right continuing after the date of termination of this agreement, and nothing herein contained and nothing done in pursuance hereof shall be deemed to derogate from any right which, but for this

agreement, would have been exercisable by either party to it after the date of termination hereof.

Article 4. Any dispute arising out of this agreement or out of agreements or arrangements hereby continued shall be referred to the arbitration of two arbitrators, one appointed by each of the parties, and an umpire appointed by those arbitrators.

Article 5. This Agreement shall come into force at once and shall remain in force for a period of one year.

In confirmation whereof the Governor-General of India and the Nizam of Hyderabad and Berar have appended their signatures.

Mountbatten of Burma
Governor-General of India.

Mir Osman Ali Khan
Nizam of Hyderabad and Berar.

151. *From Jawaharlal Nehru*

PRIME MINISTER'S SECRETARIAT

New Delhi
3 December 1947

I attach a note which I prepared a few days ago. This is about the proposed National Relief Fund. This is not a Cabinet matter as the fund is not going to be a completely official fund, although officials will be connected with it. I should, however, like to have the views of my colleagues in the Cabinet and any suggestions they might have to make.

2. I have no doubt that there is a necessity for some such fund. I am continually getting monies from various sources and there should be some proper channel for their disposal.

J. Nehru

The Hon'ble Dr. Rajendra Prasad
Minister for Food & Agriculture
New Delhi.

Enclosure:

(Note for a proposed National Relief Fund)

New Delhi
25th November 1947

For sometime past I have been receiving odd sums of money which were either earmarked for relief work or were to be spent at my discretion. I passed these on

to other funds meant for relief purposes. Many of these amounts were sent to me as Prime Minister, some were sent personally. Later I decided to put them aside in a special account pending decision as to how this should be used.

2. Mr. J.R.D. Tata suggested to me that it might be desirable to open a Prime Minister's Relief Fund or a National Relief Fund, which would attract attention on a considerable scale, as there was a great desire to help the refugees from the Punjab and elsewhere.

3. The questions that arise are:

- (i) Should such an official or semi-official fund be started?
- (ii) Should it be a kind of general distress relief fund which could give help in any emergency, or should it be confined to relief of refugees, i.e., to the present emergency that has arisen in the Punjab and elsewhere? In any event, of course, the fund would at present be principally or almost entirely concerned with the present emergency.
- (iii) What should be the name of the fund?
- (iv) Who should be holding the fund and what should be the management of it? Should the trustees be appointed in their personal capacity or in their official capacity?

4. I should like to consult my colleagues in regard to these matters before taking any step. I might mention that I have consulted Gandhiji and he is in favour of some such fund being started. He is also of opinion that the trustees should be appointed by virtue of their official position and not personally.

5. If some such fund is started, then it is desirable to do it on a big scale so as to attract public attention.

6. Having given some thought to this matter, I feel that it would be desirable to have some such fund. Money comes to the Prime Minister as such and it would be proper to send it to a special fund rather than to non-official funds. I think also that the fund should not be limited in scope, but might be used for any type of distress or emergency relief. But it is clear and it should be stated that the immediate use of the fund must necessarily be for relief of the refugees from the Punjab, North West Frontier, Sind, etc.

7. The name of the fund might be any one of the following:

- (i) National Relief Fund
- (ii) Prime Minister's Fund for Relief of Distress
- (iii) Prime Minister's National Relief Fund
- (iv) National Relief Fund for Refugees (this would rather limit the scope)

or any like name.

8. The trustees of the fund should not be too many. Among them should be:

- (i) Prime Minister
- (ii) Deputy Prime Minister

- (iii) Finance Minister
- (iv) President of the Congress
- (v) Chief Justice of India
- (vi) A representative of the Tata Trustees
- (vii) A representative of Industry and Commerce, to be chosen by the Chambers of Commerce.

One or two other names might be added of persons in their representative capacities. It is to be considered whether the Governor-General should also be a trustee. Probably it would be desirable for him to be there.

9. Apart from the trustees there might be a Managing Committee which might include the Prime Ministers of the Provinces and possibly one or two additional Ministers of the Central Government.

10. These are some suggestions to be considered.

11. I might mention that the contributions I have been receiving during the last two or three weeks, without any appeal or attempt on my part, now amount to about one lakh of rupees. I have opened a temporary account in the Bank where these moneys have been deposited.

Jawaharlal Nehru

152. *From Dr. Sachchidananda Sinha*

Sinha Library Road
Post Box No. 62, G.P.O.
Patna
3rd December 1947

My dear Rajendra,

On this the 63rd anniversary of your birthday, I send you, as your elder, my sincerest blessings, heartiest greetings, and best wishes for your health and happiness. I pray that you may live very long in good and sound health to serve the cause of your country, which already owes so much to your patriotism and self-sacrifice.

I have received both your letters: the one dated the 23rd November enclosing with it a copy of Sardar Sampuran Singh's letter to me, and also your second letter which you had posted on the 21st November. I have already acknowledged the receipt of Sardar Sampuran Singh's letter to me, which I received direct from him. As desired by him, I am sending to Sardar Saheb a formal letter of authority, signed by Radhakrishnan, authorising him to appoint a Karpardaz on Rs. 100 a month. It now rests with him to do what he can to set things right, so far as Radhakrishnan's properties are concerned, both in the city and in the district of Lahore. To assist him, and also the Karpardaz, in setting things right soon, I am posting today a long typed note giving full details about the various properties. I

am not sending a copy of this note to you, as I am aware that you are intensely busy at present. But I shall be grateful to you by your kindly taking the trouble to write once more to Sardar Sampuran Singh to do all that he can, and also as soon as he can, to set things right.

One thing more. Although the Sardar Saheb might be able to do something in securing for Radhakrishna the lost income of Rs.25,000 a year, it would be (for obvious reasons) an advantage to Radhakrishna to sell the properties in the city and the district of Lahore, provided there be no heavy loss in the transactions. If you think there is no harm in it you may kindly write to the Sardar Saheb on this aspect of the question also.

I hope this letter, which I am sending by airmail, will reach you day after tomorrow, at the latest, after your return from Bombay. I am also posting a copy of it to Lat, so that in spite of postal irregularities one or the other of the two letters may reach you safely.

Lastly, I look forward to meet you during this month at Patna at the University Convocation. I have also been told that you will be going to Allahabad to attend the Golden Jubilee celebrations of the University there on the 12th and 13th. Kindly let me know if it be true. I also propose arriving at Allahabad on the 9th and staying there till the 17th when I return to Patna.

Hoping to hear from you in reply and trusting all well, I remain, with my blessings and good wishes,

Ever yours affectionately,
S. Sinha

I am enclosing herewith a copy of my letters to Sri Prakasa and to Sardar Sampuran Singh posted today by airmail.

S. Sinha

Enclosures not included

153. From Dr. K.N. Katju

PERSONAL

Government House
Cuttack
The 3rd December 1947

My dear Rajen Babu,

One of the questions which was very much discussed in the July session of the Constituent Assembly was that of the national language. There was a strong movement for Hindi being declared to be the national language of India. At that time, as a native of Northern India I was myself in favour of it. But ever since I have come here in Orissa I have begun to see the other side of the shield. I want our national language to occupy the same place, on a much wider scale if

possible, as the English language occupies at the present moment. The English language is used not only for inter-provincial purposes but is widely used for provincial purposes and even in our daily life. The national language of India should be one in which all Indians throughout India should acquire not only capacity to understand it if spoken to them, but also to use it with skill and ease and distinction. The national language should have a national literature. Hindi has not got the position as I have observed it here. If you declare one of the provincial languages, even Hindi, as the national language of India, I feel absolutely certain that in areas outside its own home territory it will never receive a welcome response. In every Province there is the strongest determination to push on the provincial language for provincial purposes and I do not want the national language of India to be merely a vulgar dialect for market place purposes in our national economy. My thoughts are therefore instinctively turning towards Sanskrit as suitable for this purpose. This thesis I have expounded recently in two public utterances, one before the Inter-University Board and the other before the Utkal University Convocation, and I have also discussed it in an unpublished paper. To avoid repetition here I am enclosing a copy of all these three. This is a matter of vital importance to our national advancement. If I had continued as a Member of the Constituent Assembly I would have raised it in the Party meetings and on the floor of the House. I must now leave it to you to judge of the validity of what I hold to be the solution and to give it such consideration as you think proper. But for God's sake you will not please say that Sanskrit is a dead language and it will be difficult to revive it. In the first place it is not dead. I think that passionate longing to learn Sanskrit is spreading our culture, our religion, our laws, and if necessary it should be revived. I am sure that within ten years it can be made the most efficient instrument for inter-provincial discourse. I hope you are well, and with my best respects,

Yours sincerely,
K.N. Katju

The Hon'ble Dr. Rajendra Prasad
Constituent Assembly
New Delhi.

Enclosures not included.

154. *To Dr. K.N. Katju*

New Delhi
The 7th December 1947

My dear Dr. Katju,

Please accept my thanks for your letter of the 3rd December. It raises a very interesting question. You know there is a considerable difference of opinion even on Hindi being made the national language. Our Prime Minister and Gandhiji

both like that Hindustani written in Nagari and Persian script should have that position. You can easily imagine how much more difficult it will be to get people to accept Sanskrit as a national language. The only way as far as I can judge to make the non-Hindi speaking Provinces to accept Hindi as the national language is to make it as akin to them as possible and that can be done in two ways: firstly by adopting as much of their words as possible in Hindi vocabulary and secondly by drawing more and more upon Sanskrit. For enriching their vocabulary, Hindi and other Indian languages draw upon Sanskrit. In this way, there will be a proximity between Hindi on the one side and these other languages on the other established and only Urdu will go further and further apart. There is a very considerable proportion of the population in India, as it is, which would not like the language to be too much Sanskritised. These are the various pulls in different directions and the question has to be considered in all its aspects. I have not had time to study your speeches of which you were good enough to send me copies and these are my first reactions to your suggestions without studying the literature you have sent. I will study them in due course.

I hope you are doing well. I am carrying on.

With kind regards,

Yours sincerely,
Rajendra Prasad

His Excellency Dr. K.N. Katju
Governor of Orissa
Government House, Cuttack.

155. *From the President, Malayan Indian Congress*

MALAYAN INDIAN CONGRESS

117 High Street
Kuala Lumpur
13th December 1947

Jai Hind,

Let me take this opportunity to congratulate you on your recent election to the Presidentship of the Indian National Congress. The country could not have made a more appropriate choice and I convey to you the full confidence of the Malayan Indian Congress in your ability to head the Indian National Congress at this critical juncture of our country's destiny.

Indians in Malaya are fully aware of the need and the necessity for a united national front to tide the country over in its present exigency. Today, the Government and the Congress must be one. In fact, I may make so bold as to say that it is the Indian National Congress which is in power in India today and therefore is under a bounden obligation to make good the promises of the four

freedoms to the masses of India.

There is a strong rumour here that it is the intention of the Indian National Congress to open up branches in various parts of the world where Indians are living in reasonably large numbers. In Malaya, today, we have the Malayan Indian Congress which is the organisation for Indians in this country. I have the pleasure to inform you that this Congress has gone deep into the consciousness of the Indians in Malaya. It is countrywide, stretching from the borders of Siam to Singapore in the south, covering territory 700 miles in length, and we have well over a hundred branches in all the different parts of the country.

In politics we have come down plump against Imperialism. This has been particularly noticeable on the issue of the new constitution which is facing this country. The Government are holding out a set of proposals which envisage:

1. A Singapore divided from the rest of Malaya (this would be a deathblow, as Singapore is our chief port both for export and import).
2. A nominated Federal Legislature.
3. A dual citizenship which will allow the foreigner the right of enjoying political rights without shouldering the concomitant responsibilities

The progressive bodies in Malaya have drafted a counter set of constitutional proposals (and the Malayan Indian Congress is party to this) whereby:

1. Singapore is to be a constituent part of the Malayan Federation.
2. The Federal Legislature shall be elected.
3. The citizenship of the country shall be single and identified with a nationality. (This we considered essential for we are convinced that only the birth of a nation in Malaya will help this country in its fight against the stranglehold which British Imperialism today has on these unfortunate people.)

Recently things have come to a head. On October 20th, 1947, we had a very successful countrywide hartal. The Government, as can be expected, is now attempting to break up the united front of the people.

And now I come to the real subject in hand. There are a number of Indians in this country who would play the tune the Government sets them. These people are attempting to take advantage of this intention of the Indian National Congress at home to open up branches abroad. They have a mind to open up a branch here and by appealing under the cloak and the prestige of the Indian National Congress to split the Indian community here.

I am sure that you will appreciate the anxiety with which I am writing this letter to you. The Indian community today stand as one man on the constitutional issue and the British Government is rather nonplussed about it. Should, at this moment, there appear any fission in this unity the Government will, I am sure, make capital of the situation and attempt to foist its own proposals on the country. And that would mean the continuance of Imperialism in these parts of

Asia which would not conduce to our mutual aim of a free and democratic group of peoples living in harmony and cooperation.

I am awaiting an early reply from you and I trust that now that I have explained the entire situation to you, you will advise me and enable me to discharge my responsibilities to our countrymen in Malaya in the spirit and the tradition of the Indian National Congress.

Jai Hind,

Yours faithfully,
President, Malayan Indian Congress

Dr. Rajendra Prasad
President, Indian National Congress
Swaraj Bhawan, Allahabad

156. *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
The 15th December 1947

My dear Jawaharlalji,

Under the Government of India Act as adapted under the Indian Independence Act a Minister who does not become a member of the Assembly ceases to be a Minister after six months. I think there are several Ministers who have not become members of the Assembly up till now. They are, so far as I know, Maulana Abul Kalam Azad, Dr. Syama Prasad Mookerji, Mr. K. C. Neogy, and Mr. C. H. Bhabha. In the case of Maulana there is a further difficulty. He can be elected under the existing rules by some Provincial Legislative Assembly by the Muslim members alone of that Assembly giving their votes under the system of proportional representation by single transferable vote. As in all the Provincial Assemblies most of the Muslim places are held by the members of the Muslim League, it will not be possible for Maulana to get elected if Muslims alone have to vote. It will not be possible to get him elected even from U.P. as Mr. Kidwai was elected, because in the original election there were a number of places to be filled and Muslim votes were divided and one member of the Congress was able to secure the quota of votes required for being returned. At this time it will be only one or two seats in the case of U.P., viz. Raja of Mahmudabad whose resignation has already been accepted and Choudhari Khaliquzzaman who may resign. There is no chance for Maulana to be returned even from U.P. as the quota will be very much larger than in the original election. Therefore, something has to be done for Maulana if he has not to cease to be a Minister on the 15th February. Vacancies must be found for the other Ministers also if they have to continue as Ministers.

There is a suggestion that the rules should be so amended as to require the election to be held by the Assembly as a whole and not by separate electorates consisting of the Muslim members alone of the Provincial Legislative Assembly. This will be in accordance with the decision which the Constituent Assembly has already taken for the future Constitution of India, but the existing rules will have to be amended and this can be done only by a session of the Constituent Assembly. It was thought that we would have a session of the Constituent Assembly from the 19th of January and I had thought that we could get the rules amended during that session, but now we are going to have no session of the Constituent Assembly till after the Central Legislature has finished the budget session. I should like to know your wishes in the matter. The cases of other Ministers also may not be overlooked; otherwise a complication may arise.

Yours sincerely,
Rajendra Prasad

Pandit Jawaharlal Nehru

157. *From Dr. Gopichand Bhargava*

Camp: Jullundur
December 22, 1947

My dear Babuji,

I understand that the Dominion Government of India have agreed to pay Rs.50 crores to the Pakistan Dominion on account of the Partition of Assets.

According to our claim against the West Punjab Government and the division of the securities, the West Punjab Government will be debtor to East Punjab Government and they will owe several crores. I would, therefore, suggest that the payment of this amount be withheld till our claims are decided and the amount is paid to us.

If the Dominion Government pays them now, we do not know when will our dues be paid by them. Hon'ble Mr. Zahid Hassan, High Commissioner for Pakistan in India, is trying for the payment of money to Pakistan.

Yours sincerely,
Gopichand Bhargava
Premier of Punjab

The Hon'ble Dr. Rajendra Prasad
Minister for Food and Agriculture
Government of India
New Delhi.

158. *From R.S. Shukla*

Camp: Government House
Jubbulpore
December 28, 1947

My dear Rajendra Babu,

I am sure you have assumed charge of the office of Congress President and are now functioning also as Member or perhaps as President of the Parliamentary Board. I shall be thankful if you would kindly reply formally to my letter regarding Mr. B.A. Deshmukh, Minister, which is pending with you. You had told me when I saw you in Delhi that I could take the necessary action of asking for his resignation. But I thought it was proper that I should wait for your formal sanction before I took that step. You also told me that you would send me your formal approval to my proposal after you assumed office. Perhaps you have been too busy these days, and it has escaped your notice. I shall be thankful if you kindly send me your reply as early as possible. You know the circumstances under which this has to be done by me. We have to consolidate the position of the Ministry and carry on the work effectively.

Yours sincerely,
R.S. Shukla
Prime Minister, C.P. & Berar

The Hon'ble Dr. Rajendra Prasad
President, All India Congress Committee
New Delhi.

159. *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
The 31st December 1947

My dear Jawaharlalji,

From all accounts it appears that the situation in Sind has become serious and the Hindus and Sikhs have to vacate the Province. A large number of Muslims from East Punjab and other places are going to Sind and their presence is likely to create more trouble for the Hindus and Sikhs there. Besides, the Sind Government is also acquiring the houses and lands of Hindus and Sikhs for immigrants from other parts of Pakistan. I have just had a talk with Dr. Choithram Gidwani, Professor Ghanshyam, Shrimati Kikiben Lalwani and Shri C.T. Valicha who have given me a short note of which I am enclosing a copy.* Some arrangements will have to be made with the Pakistan Government for the evacuation of such of them as are desirous of leaving the Province. There are two

routes—one by sea from Karachi and the other by railway from Hyderabad.

As regards the first, the Pakistan Government is contemplating reducing the service between Karachi and Western India ports to twice weekly. They apprehend that unless some restriction is put, large numbers of Muslims will be entering Sind by sea. To obviate this difficulty, it is suggested that chartered ships should be sent which will not take any passengers to Karachi but will be used only for taking out Hindus and Sikhs from there.

As regards the land route, it is more difficult and will be largely dependent on the goodwill of the Pakistan Government who have to make the necessary arrangements at Hyderabad and also during transit through their territory. I understand that during the last few days, they have allowed larger numbers to leave Hyderabad on account of the expected influx of Muslims for whom they want to find accommodation. I think the whole thing requires careful planning as was done in the case of Punjab.

While this discussion with the Pakistan Government goes on and necessary arrangements are made for planned evacuation of those who are willing to leave, it is necessary that arrangements should be made for the reception of those who come on their own. The accompanying note makes certain suggestions in this regard and I hope they will be duly considered.

Yours sincerely,
Rajendra Prasad

The Hon'ble Pt. Jawaharlal Nehru
New Delhi.

* Not included

Enclosure

(Copy of a note by Dr. Choithram Gidwani)

THE SIND PROVINCIAL CONGRESS COMMITTEE

95 Constitution House
New Delhi
December 31, 1947

In view of the worsening communal situation, the complicated Kashmir issue, and the fact that 2 lakhs of Muslims from East Punjab will shortly be reaching Sind on foot, Hindus and Sikhs from there will now migrate in very large numbers.

There are two routes by which Sindhis can leave:

- (1) From Karachi by sea. This is most convenient.
- (2) From Hyderabad (Sind) by railway.

Therefore the immediate destination of the people would be Bombay and Okha

ports, Jodhpore, Ajmer, Central India and Rajputana States. People from Bombay Province would be proceeding to C.P. and Madras.

From Ajmer and Jodhpore they would be proceeding to U.P.

Hence:

- (1) Governments of Bombay, C.P., Madras and U.P.,
- (2) Chief Commissioners of Ajmer and Delhi,
- (3) Provincial Congress Committees of all the Provinces, and
- (4) Rulers of States

should be given necessary instructions to make arrangements for their reception and temporary shelters as also for permanent rehabilitation wherever possible.

A special note to Government of Bombay may be sent.

A letter may be written to the Ministry of Relief and Rehabilitation to make a liberal grant of funds and make the same available to the High Commissioner for India in Pakistan and to the Sind Provincial Congress Committee.

The Government of India should also decide to evacuate Hindus from Sind as was done in the case of West Punjab. But till that decision is taken by the Cabinet, and the necessary negotiations concluded with the Pakistan Government, the above steps are absolutely necessary to be taken immediately.

Any further delay will prove harmful.

Choithram Gidwani

CORRESPONDENCE

PART II

1. *From Vallabhbhai Patel to Sri Krishna Sinha*¹

New Delhi
11 January 1947

My dear Sri Babu,

I am enclosing an extract of a report which I have received. I should like to know whether there is any truth in it.

Yours sincerely,
V.J. Patel

The Hon'ble Mr. Sri Krishna Sinha
Prime Minister of Bihar
Patna.

¹Congress leader who was Premier of Bihar, 1937-39, and for a decade after independence

Enclosure:

(Extract from C.I.O. Bihar's Four Notes dated 2 January 1947)

Opinion amongst officers is divided regarding the morale of the magistracy and the police. While some think that nearly 50 per cent of even the Hindu constables will remain loyal to whatever Government be in power in the event of a showdown, others feel that only a vast majority of the Muslim constables will play the game. A.S.I. and upwards will sit on the fence but will not be openly disloyal.

In these parts, Babu Jagannath Singh, M.L.A., plays a very important role. He has been instrumental in getting a departmental enquiry held into the conduct of a Muslim assistant surgeon in charge of the Sasaram Hospital. This has caused a lot of heartburning not only amongst Muslims but also amongst officers of the Provincial Government as the doctor was held in great esteem while he was posted in Sasaram. His only fault was that he did not consent to relax the rules in favour of Mr. Jagannath Singh when the latter was incarcerated in Sasaram jail. There is now a talk amongst both officers and men that nobody's honour is safe in the hands of the present Government, and this had occasioned bitter criticism of some of the Ministers. According to some men in the police, there is now a distinct swing of the pendulum away from Congress influence, but much will depend upon the leadership exhibited by superior officers if and when trouble starts.

G. Ahmed
Deputy Director (C)
8.1.47

2. *From H. V. R. Iengar to all members of the Union Powers Committee and the Order of Business Committee*

CONSTITUENT ASSEMBLY OF INDIA

Council House

New Delhi

The 29th January 1947

The meeting of the Advisory Committee on Fundamental Rights, Minorities, etc., will in all probability be held on the 25th February. The first meeting of the Committee on Union Powers is proposed to be held immediately after the termination of the Advisory Committee meeting. The first meeting of the Committee on the Order of Business will follow the meeting of the Union Powers Committee. The exact date and time of these meetings will be intimated in due course to all the members concerned

H.V.R. Iengar
Secretary

3. *From Vallabhbhai Patel to Sri Krishna Sinha*

New Delhi

2 February 1947

My dear Sri Babu,

Since you left Delhi, I have not heard anything from you about the situation in Bihar. It causes continuous anxiety and unless vigorous efforts are made to set right the communal situation, you might find yourself in trouble. It is not enough that there is no more violence taking place. What is wanted is to tackle vigorously the question of refugees. They must be persuaded to go back to their villages, and for that purpose the first thing to be done is to get them out of the control and influence of the Muslim League and take the entire relief and rehabilitation work under the control of Government. You may find difficulties in doing so. Your own people may give you trouble, but you have to face it and deal with this situation firmly.

2. I suggested that you must give this work to your Momin Minister, Abdul Qayum Ansari, who is capable of handling this situation effectively and firmly. He can put in a large number of Momin Muslim volunteers and he could defy the League. In this matter, Mahmood may be an obstacle, but you have to overrule him.

3. I understand that Ansari is in charge of the Cottage Industries Department. If it is so, it is more appropriate that he should be allowed to handle relief and rehabilitation work of the refugees. Besides, he should be given the control and

distribution of yarn. Yarn would be the principal factor in developing the cottage industry. Why yarn is given to another Minister I cannot understand.

4. What is going on about the appointment of an enquiry about the Bihar communal riots, and what do you propose to do in this matter? I understand Jawaharlal had spoken to you about it. Do not think that he has abandoned the idea, but if there are any difficulties, it is better that they should be explained to him and you should put yourself in the right. As Bapu had asked you to appoint an inquiry, perhaps in future the question may arise when they may all turn against you, and therefore it is better to clear up this matter in time

5 I should like to know the number of refugees in Bihar, in what camps they are kept and what are the arrangements made for their relief and rehabilitation

6. I should also like to know how many people have gone to Bengal and to other places. Also whether the refugees are going back now to their villages, or they are still afraid of returning to their places. Vigorous efforts should be made to remove their apprehensions about any possible danger to life or property in case of their return to their villages. Mere increase in the police force is not enough. The Hindu villagers must be persuaded to change their attitude and they must give an assurance to the refugees for their safety.

7. I am told that your Governor has complained that your Ministry is not fulfilling the undertaking given in the matter of the war service candidates. I understand that the matter is to be considered in your Cabinet shortly. All provincial ministries have fulfilled their undertaking, and it would not be wise for you, particularly in your difficult situation, to give any legitimate cause for a breach of undertaking on behalf of Government. Please write to me about it.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Shri Sri Krishna Sinha
Prime Minister of Bihar
Patna.

4. From Jawaharlal Nehru to Lord Wavell

New Delhi
5 February 1947

Dear Lord Wavell,

In the interview I had with you last Saturday we discussed the resolution of the Muslim League Working Committee passed the day before at Karachi. This very unfortunate decision has finally put an end to any expectation of the Muslim League joining the Constituent Assembly and has brought to a crisis many of the problems which have troubled us during the past three months. I told you that in

view of this decision the present position could not possibly continue. The Constituent Assembly would of course go on, but the Interim Government could not continue to function as it is. The situation that has been created by the decision of the Muslim League is a grave one and you suggested that we should give full consideration to it.

2. I have now given careful thought to this matter and consulted many of my colleagues about it. We are all of opinion that because of the Muslim League decision it is no longer possible for members of the Muslim League to continue in the Interim Government. For them to continue to do so would mean an abandonment of the Cabinet Delegation's Scheme of May 16, 1946, and innumerable difficulties would arise making the functioning of Government almost impossible.

3. You will remember that prior to the inclusion of members of the Muslim League in the Interim Government we had repeatedly laid emphasis on the necessity of their accepting the long-term plan of the Cabinet Mission, that is, the Constituent Assembly, and of agreeing to work as a team. You told us then that this was a prerequisite to their joining the Government, and we were under the impression that assurances to this effect had been given to you on behalf of the Muslim League.

4. Immediately after their entering the Government they made it clear that they would not join the Constituent Assembly and that they did not consider the Interim Government as a Cabinet or even as a Coalition. Because of this the members of the Cabinet could not function as a team and work has suffered in many ways. An even more important consequence was the breach of the conditions laid down in the Cabinet Mission's Statement of May 16, 1946. You are aware of the many difficulties that have arisen during the past three months.

5. In spite of these difficulties, however, we have continued to function, though rather precariously, in the hope that the Muslim League would accept the full Scheme, enter the Constituent Assembly, and work with others in the Cabinet in a spirit of cooperation and team-work.

6. Now this hope has also finally gone and we have to face an open defiance of the whole Cabinet Mission's Scheme, and indeed the demand is for a scrapping of the Scheme. It must be remembered that the resolution of the Muslim League, which has now been reaffirmed, is not merely for non-participation in the Constituent Assembly but for a total rejection of the Scheme and for a programme of direct action.

7. It seems impossible to us that this boycott and direct action programme can proceed side by side with membership of the Interim Government. The two are incompatible. If the Cabinet Mission's Scheme is to be worked out, as we think it must be, then those who reject it cannot continue as members of the Interim Government. There is no other alternative.

8. We realise that any changes in the Interim Government at this stage, and during the Budget Session of the Central Assembly, may lead to administrative and other difficulties. We are convinced, however, that to attempt to avoid or

delay these changes would seriously affect the Congress organisation and result in far graver and more harmful consequences in the country.

Yours sincerely,
Jawaharlal Nehru

His Excellency Field Marshal Viscount Wavell
Viceroy's House, New Delhi.

5. From Sadik Ali to all members of the Congress Working Committee

ALL INDIA CONGRESS COMMITTEE

Swaraj Bhawan
Allahabad
11 February 1947

Dear Friend,

I am sending you herewith copies of some of our recent circulars to P.C.C.s *

As you are perhaps aware we have called a meeting of the Presidents and Secretaries of the P.C.C.s on February 22, 23, and 24, 1947. The meeting will devise means of strengthening our organisation in all Provinces. Copy of the agenda is enclosed herewith.*

Yours sincerely,
Sadik Ali
Permanent Secretary

Copy to Dr Rajendra Prasad.

*Not included.

6. From Vallabhbhai Patel to Sri Krishna Sinha

New Delhi
13 February 1947

My dear Sri Babu,

I understand that there is some difficulty in your sparing Mr. M.K. Sinha who is our Intelligence Officer in Bihar for service with the Central Intelligence Bureau. You know how anxious we are to Indianise the Bureau as soon as possible, and amongst the intelligence officers Mr. Sinha was the only Indian who could be considered for the post of Deputy Director. I do hope that you will be able to spare him for the purpose and inform our office accordingly. We require

him to join the Bureau as soon as possible and I shall be glad if very early arrangements could be made for his relief. My letters to you remain unanswered. Please attend to them without delay.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Mr. Sri Krishna Sinha
Patna.

7. From H. J. R. Jengar to all members of the Union Powers Committee

Council House
New Delhi
17th February 1947

MEETING UNION POWERS COMMITTEE FIXED FOR SECOND MARCH THREE PM
ROOM SIXTYTHREE FIRST FLOOR COUNCIL HOUSE STOP
PLEASE TELEGRAPH STATE OFFICER FOR ACCOMMODATION REQUIREMENTS STOP
ONLY ACCOMMODATION AVAILABLE CONSTITUTION HOUSE

JENGAR
CONSTITUENT ASSEMBLY

Copy by post in confirmation to.

1. Mr. Sarat Chandra Bose
2. Mr. D.P. Khaitan.

Copy (of the first portion) by post in confirmation to:

1. Mr. Jairamdas Doulatram
2. Mr. Biswanath Das
3. Sir Tek Chand Bakshi
4. Sir Alladi Krishnaswami Ayyar
5. Mr. K.M. Munshi
6. The Hon'ble Pt. Govind Ballabh Pant.

Copy (of the first portion) for information to:

1. The Hon'ble Pt. Jawaharlal Nehru, 17 York Road, New Delhi
2. Dr. B. Pattabhi Sitaramayya, 19 Canning Lane, New Delhi
3. The Hon'ble Sir N. Gopalaswami Ayyangar, 11 Ferozshah Road, New Delhi
4. M.R. Masani, Esq., 29 Ferozshah Road, New Delhi.

K.V. Padmanabhan
Assistant Secretary

8. *From Sri Krishna Sinha to Vallabhbhai Patel*

Patna

18 February 1947

Dear Sardar Sahib,

I am in receipt of your letter of the 13th inst. I have passed order yesterday before receipt of your letter that Mr. M.K. Sinha was to be spared for service in the Central Intelligence Bureau. I am asking the Chief Secretary to see that he is relieved at once.

I am sorry to find that some of your letters have remained unanswered. I will see that [replies to] them are sent soon.

Yours sincerely,
S.K. Sinha

The Hon'ble Sardar Vallabhbhai Patel
New Delhi.

9. *From C. Rajagopalachari to Vallabhbhai Patel*

19 February 1947

My dear Vallabhbhai,

I have read Prakasam's letter sent by you with your note. I agree with you he is determined on flouting his party and banking on possibilities of winning over or creating confusion.

I feel you should acknowledge this letter of his and send him a final telegram to convene the party meeting at once and have the no-confidence motion voted upon. You may also perhaps ask Sankarrao to do it but there should be reference to the latest letter to you and a fresh directive sent in regard to the matter. Otherwise he will plead the matter is still pending.

Yours sincerely,
C. Rajagopalachari

10. *From H.V.R. Iengar to the Secretary, Central Sikh Rights Secretariat*

CONSTITUENT ASSEMBLY OF INDIA

Council House
New Delhi

The 27th February 1947

Sir,

I write to acknowledge the receipt of your letter dated the 19th February regarding the representation of Sikhs on the staff of the Constituent Assembly.

2. So far as non-gazetted staff are concerned, the Sikhs are well represented on our staff. It is true that at present we have no Sikh among our gazetted staff. I fully appreciate the anxiety of your Secretariat on this matter and will bear it in mind whenever appointments are made, but you will appreciate that the extent to which your wishes can be met will depend on the vacancies and the calibre of those who happen to apply in response to our advertisements.

I have the honour to be,
Sir,
Your most obedient Servant,
H.V.R. Iengar
Secretary

The Secretary
Central Sikh Rights Secretariat
5 Jantar Mantar Road
New Delhi.

11. *From Sadik Ali to all Provincial Congress Committees*

ALL INDIA CONGRESS COMMITTEE

Swaraj Bhawan
Allahabad
3rd March 1947

Dear Friend,

We are sending you herewith copies of the resolutions passed at the recent Conference of the Presidents and Secretaries of the Provincial Congress Committees. Since you or your representatives were present at the Conference we need hardly stress here the important and far-reaching implications of these resolutions especially those on the Constructive Programme and the Congress Reorganisation. The resolution on the Constructive Programme will be placed before the Working Committee at its forthcoming meeting at Delhi and their decision will be communicated to you in due course.

It is for your executive now to consider the steps to be taken for implementing the decisions of the Allahabad Conference. The major portion of the burden for carrying out these decisions falls on you and it is for you to infuse Congress workers and Congress Committees in your Province with the sense of urgency in carrying out necessary measures for strengthening the Congress organisation and greatly widening the scope of its work. The times ahead of us are truly critical and any indifference or supineness on our part is fraught with peril. The P.C.C.s have therefore to be continually alert and vigilant and transmit this vigilance to



Dr. Rajendra Prasad with Jawaharlal Nehru, Abul Kalam Azad, Khan Abdul Ghaffar .
Khan, Bhulabhai Desai and others



Group photograph of Members of the Interim Government, at the Viceroy's House on 26 October 1946, after four nominees of the Muslim League were sworn in as Members

Left to right, front row: The Hon'ble Sardar Baldev Singh, the Hon'ble Dr John Matthai, the Hon'ble Mr. C. Rajagopalachari, the Hon'ble Pandit Jawaharlal Nehru, the Hon'ble Mr. Liaquat Ali Khan, the Hon'ble Sardar Vallabhbhai Patel, the Hon'ble Mr. I. I. Chundrigar, the Hon'ble Mr. Asaf Ali, the Hon'ble Mr. C.H. Bhabha

Left to right, back row: The Hon'ble Mr. Jagjivan Ram, the Hon'ble Mr. Ghazanfar Ali Khan, the Hon'ble Dr. Rajendra Prasad, the Hon'ble Mr. Abdur Rab Nishtar

all their subordinate Congress Committees.

While you may await the decisions of the Working Committee on matters which our Allahabad Conference has referred to it you will please take necessary preliminary steps in connection with the reorganisation scheme which the Allahabad Conference has unanimously approved.

Yours sincerely,
Sadik Ali
Permanent Secretary

Enclosures not included

12. From Vallabhbhai Patel to Sri Krishna Sinha

New Delhi
9 March 1947

My dear Sri Babu,

I am still awaiting a reply to my letter of 2 February 1947 to which you promised an early reply in your letter of 18 February 1947. I am sure you would realise that the letter raised important issues, of which an early expression of your views would secure a speedy disposal.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Mr. Sri Krishna Sinha
Patna.

13. From Vallabhbhai Patel to Sri Krishna Sinha

New Delhi
21 March 1947

My dear Sri Babu,

I have received information that subscriptions are being asked for from, and are being given by, your constables to the J.P. Fund [probably Jayaprakash Narayan Fund] and that the Muslim constables have refused to pay any.

2. I am sure your Government Servants Conduct Rules prohibit subscriptions in aid of political movements and if the information is correct, I cannot see how this can be permitted. I hope you will see that these activities are discontinued

and that those who have committed a breach of the rules are properly dealt with.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Sri Krishna Sinha
Patna.

14. From H.V.R. Jengar to all members of the Union Powers Committee

CONSTITUENT ASSEMBLY OF INDIA

Council House
New Delhi
The 28th March 1947

Sir,

I have the honour to inform you that the Fundamental Rights Sub-Committee is expected to complete its preliminary work in the course of the next two or three days. The Committee will meet again on the 14th of April in order to prepare its final report. The Committee may take two or three days for that purpose; and it is proposed that if any meeting with the Union Powers Committee is considered necessary that meeting may take place during those three days, that is, between the 14th and 16th April. I am to request, therefore, that the members of the Union Powers Committee will kindly arrange to be present in Delhi on the 14th to discuss the report of the Fundamental Rights Sub-Committee--- if necessary in a joint conference- and to consider any other matter that the Chairman may authorise.

2. Copies of the preliminary report of the Fundamental Rights Sub-Committee are expected to be ready by the 5th of April and will be sent to you thereafter.

I have the honour to be,
Sir,
Your most obedient servant,
H.V.R. Jengar
Secretary

Copy to members of the Sub-Committee on Fundamental Rights.

H.V.R. Jengar
Secretary

15. From Sankarrao Deo to all Provincial Congress Committees

ALL INDIA CONGRESS COMMITTEE

6 Jantar Mantar Road
New Delhi
22 April 1947

Dear Friend,

1. We have received several letters from Congress Committees and individual Congressmen enquiring about the attitude of the Congress towards Socialist Congressmen when they go about the country doing propaganda work and collecting funds. Local Congress organisations and office-bearers often find the situation difficult and embarrassing. They naturally look to us for guidance. It is therefore felt that an authoritative clarification of the Congress position on this subject has become necessary.

2. It goes without saying that Congress Committees and Congress office-bearers cannot help in the collection of funds for the Socialist Party. The Socialists collect funds for their own party organisation and not for the Congress. The Congress therefore cannot and should not help in collecting funds for another political organisation. This rule should be rigidly enforced. So far as important Congressmen, who may not be office-bearers, are concerned, they too must not help in the collection of funds even in their individual capacity. The public mind makes no difference between the individual and official capacity in their public activities.

3. For similar reasons it is equally undesirable for Congress Committees to present addresses and to otherwise take part in welcoming Socialists especially because they generally undertake tours to popularise their own party policy and programme and usually against the official Congress policy and programme. This necessarily creates confusion in the minds of the people.

4. Congressmen who are not office-bearers may, in their individual capacity, cooperate with Socialist friends if they so desire. The matter is left to their sense of discipline. It is hoped, however, that they would so conduct themselves as not to mislead the people and impede the work of the Congress by their actions.

5. You are requested to bring these facts to the notice of your subordinate Congress Committees and to issue instructions to them accordingly.

Yours sincerely,
Sankarrao Deo
General Secretary

16. *From Jawaharlal Nehru to J.B. Kripalani*

17 York Road
New Delhi
2 May 1947

My dear Jiwat,

I have noticed in this evening's papers fairly full accounts of what was said at the Working Committee meetings. It is obvious that someone, who was present at the meetings, has given this information to the Press. We have often complained about this in the past with little result. Now the situation is even more delicate and some of us will be put in an extraordinarily embarrassing position by these disclosures to the Press. Indeed if there is no surety about secrecy, it will become impossible for us to say anything at the meeting of the Working Committee.

2. There are many matters which some of us have been discussing among ourselves for days past. There was no reference in the Press to them because we could keep our secrets. Now the moment anything is mentioned in the Working Committee, it is broadcasted by the Press. One might almost imagine that Pressmen attend our Committee meetings.

3. What should be done about it I do not know. That is for you to consider. But it is obvious that I shall have to take extreme care in the future as to what I say in Committee. If there is anything that I do not want to be published, I shall have to say it to some individuals separately and not to the Committee as a whole. I hope you agree with me. I can see no other course open to me. May I suggest that at least you might write to all the members of the Committee or at any rate to all those present at the meetings here and inform them of the grave impropriety of disclosures to the Press? I must confess that I am greatly put out by this kind of thing. I know for a fact that our reputation suffers greatly when this happens.

Yours affectionately,
Jawaharlal

Acharya J.B. Kripalani.

Copy to Shri Rajendra Prasad.

17. *From Vallabhbhai Patel to Sri Krishna Sinha*

New Delhi
8 May 1947

My dear Sri Babu,

I should like to know whether you have been able to trace the slip which was written by Mridulaben about the six I.N.A. people to whom it was suggested

that arms should be supplied at the instance of Col. Shah Nawaz.

I have drawn your attention to the weak spots in your administration, and I trust that you will lose no time in setting right the defects as quickly as possible.

There should be no feeling amongst the officers that there is interference from outside or from the Ministry within the sphere of their authority in the administration. The key to efficient administration is the sense of security in the service at the top and non-interference by Congressmen or other people connected either with the Congress or with the Ministers in the administration. The Ministers should not give direct orders to any subordinate officers, and they must deal with them through their superiors.

I regret to find that the only Ministry which is being criticised from responsible quarters is the Bihar Ministry. You had a great blow to bear in connection with the communal disturbances. That had affected your Ministry's reputation to some extent. The activities of the Socialist Party in Bihar, which you have not been able to control either by vigorous measures taken by the Government or by disciplinary control through the Congress organisation, have affected considerably the reputation of the Ministry. The recent police mutiny has exposed the weakness of the administration of your Ministry, and it is generally believed that, if any crisis were to come the Bihar Government would not be able to rely upon the police force against the Socialists. If you find that any attempt is being made to use the name of Gandhiji, you must immediately inform him about it, or write to me; but your facts must be unchallengeable.

On the question of a commission of enquiry, you were not able to express your opinion frankly and firmly before Gandhiji. If you feel that such an enquiry is likely to do more harm than good, you must be able to take a firm stand and must not allow others to believe that you had no objection to have such a commission appointed.

On the question of taking immediate possession of the zamindari estates, the Parliamentary Board has already given you instructions, and about the liquidation of the system, you must prepare a scheme and submit it to the Board for approval.

I do not know whether your Ministry is acting as a team, or there are dissensions and there is neither unity of purpose nor joint responsibility. It is your responsibility as Prime Minister to maintain the reputation of the ministry as a whole for efficient and clean administration.

I trust that you will consider all this with your colleagues and see that in future there is no room for complaints or criticisms.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Mr. Sri Krishna Sinha
Patna.

18 *From Vallabhbhai Patel to Sri Krishna Sinha*

New Delhi
9 May 1947

My dear Sri Babu,

I have seen an extract from the report of the Bihar C.I.D. for the second half of April 1947 according to which it appears that

- (a) Ministerial officers of Government have been noticed putting on a badge on which it is superscribed "A living wage is one's birthright" and there is a possibility of a strike being launched.
- (b) The jail staff at Laheriasarai are completely demoralised owing to the activities of Mr. Suraj Narain Singh and his sympathisers.
- (c) There is some likelihood of a police strike on a wide scale.

2. This report is very disturbing and if the position is as stated, it seems that both the police and jail staff and the ministerial officers are getting out of control. I need hardly say that such a state of affairs spells disaster for the Province. Energetic action is necessary if we are to prevent matters from getting worse and then to restore discipline among the staff, whether they be ministerial, jail or police. It is obvious that we cannot mark time and if government is to be carried on in a business-like manner, such subversive activities must be put down with a strong hand. If we are to tolerate such activities from any quarters, howsoever important or influential they may be, we shall cease to discharge the very primary function of Government, namely, to govern. I would, therefore, ask you to pay immediate attention to these matters and to take vigorous action to deal with them. I should, of course, like to be kept in touch with the developments.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Mr. Sri Krishna Sinha
Patna.

19. *From Sri Krishna Sinha to Vallabhbhai Patel*

Patna
11 May 1947

My dear Sardar Sahib,

From the talks that I had with you and the Viceroy at Delhi regarding the employment of I.N.A. men by our Government, I feel that things have perhaps

not been properly represented to you and I, therefore, think that I should apprise you of the true facts in that connection.

From what the Viceroy told me it appears that he has been given the impression that the force employed by this Government to check smuggling was a private army. In your talk with me in Bhangī Colony you referred to the fact of this force having been placed in charge of a retired deputy magistrate. This strengthens my suspicion that it has been represented to Delhi that the anti-smuggling force was a private organisation. I, therefore, feel that all the facts regarding this force should be placed before you.

Even before we took office the Section 93 Government had employed an anti-smuggling staff to patrol the rivers and guard the strategic points in the frontier line of the Province to check smuggling. This staff was on a temporary basis. Soon after we took office the question of extension of their term came up before Government. The office while putting up a note regarding the extension observed that the staff "had done very little and effective work in checking smuggling". The Secretary (Supply), while endorsing this note to the Hon'ble Minister (Supply) also remarked that the previous Government had doubts "whether the staff should be continued on account of frequent reports against the staff of either non-enforcement or complicity with smugglers". Smuggling had become a menace and so Government could not think of letting it go unchecked. It was, therefore, in the alternative decided to reconstitute a new anti-smuggling force. The details of the scheme were discussed and laid down in the file and the retired deputy magistrate, who has already been re-employed by Government as Additional Secretary to Government in the Political Department to organise a campaign against corruption, was also invested with the work of organising anti-smuggling and he, therefore, was given the task of organising the anti-smuggling force on the lines decided by Government. The file then was sent to the Governor and on 17 November 1946 he too approved the anti-smuggling scheme as adumbrated in that file.

Now I would like to refer to the appointment of I.N.A. men in this force. I may tell you that it was in a Cabinet meeting presided over by the Governor that it was decided that while I.N.A. men could not be employed in the regular police force, they could be employed for doing anti-smuggling work. Even in the file referred to above which went to the Governor for the approval of the anti-smuggling scheme, there was a mention at one place of the fact that the Hon'ble Minister (Supply) had ordered that while recruiting men to the force preference was to be given to I.N.A. men, if available. The Governor while approving the scheme did not take exception to this.

I don't know the state of things in other Provinces; but in my Province corruption and smuggling were rampant and there was a great demand that Government should take up seriously the question of checking them. It was in response to this demand that an anti-corruption section was organised. The work of anti-corruption could not be successful unless a man of known ability and approved integrity was put in charge of it. It was here that we thought of Mr.

Pande, the retired deputy magistrate. Mr. Pande is a man of integrity and parts and he is patriotic. It was because of this that he incurred the displeasure of the Government that went before us and could not rise to the post to which a member of the Provincial Civil Service of his abilities could rise and had to retire as a deputy magistrate. We had to think of a retired man also because we were short of officers. He was re-employed and appointed Additional Secretary, Political Department, and put directly in charge of the anti-corruption section. I know the opinion that the Governor has got of this gentleman and there is nothing strange in it. But I will request you not to be influenced by what he might have said about this gentleman in his letter to Delhi. Mr. Pande is the best man that the Government in their anxiety to fight corruption could think of and naturally when the question of putting down smuggling came up he was put in charge of that work too which was of an allied nature.

The I.N.A. men were employed in the rank of the anti-smuggling force because it was thought that they would be able to put drive and zeal in the work of putting down smuggling which had become a menace, and I must say that in the beginning they fully justified this expectation. The Governor at no stage objected to their being so employed. It is very easy to be wise after the event. But if he had any fundamental objection to their being so employed he had occasions to do that before the sad incident which resulted in the death of Professor Bari. When the requisition for rifles for these I.N.A. men employed in the force came up to Government, it was again the late I.G., Mr. Creed,¹ who enjoyed the confidence of the Governor and the disregard of whose advice has been, according to him, responsible for so many of the ills from which the Province has suffered, who supplied rifles to them. Here again there was no opposition to rifles being supplied by the Governor.

I have already told you that it has been decided to disarm and disband these I.N.A. men employed in the force. On my return from Delhi I enquired from the officers concerned as to the progress made in this. I am told that almost all of them have already been disarmed excepting a few and these also will be disarmed in a day or two. It was thought politic not to issue order for disbanding before they have been actually disarmed. It is hoped that in the course of the next week the disbanding will be complete.

Much has been said about the unfortunate spirit of the strike amongst the police force and we have been charged with not having firmly tried to stop it. In this connection I would only like to tell you that we inherited from the Section 93 Government which preceded us a police force saturated with a spirit of strike. You are perhaps aware that the day we assumed office we were faced with an ultimatum of strike by the police. We smelled something suspicious in it. However, one inference can certainly be drawn from it and it is this that Ramanand Tiwari and others had been working amongst the police force long before we took office and there was an open movement amongst the police for launching a strike. I do not know what prevented the then Governor from striking Ramanand Tiwari and those of his friends who were fomenting the spirit

of strike amongst the police. There were no Ministers then to fetter his discretion and resort to strong action. But nothing was done by the previous Government in this connection. A legacy was kept ready to be inherited by us and then we were asked to proceed precipitously in dealing with a situation created by the threat of a strike. You will appreciate our anxiety to proceed cautiously in a matter affecting the police force specially at a time when all round we had in key posts gentlemen whom I will never credit with the intention of cooperating with the Government in order to make it a success.

From your talks at Bhangi Colony I could gather that the Governor has written to Delhi about the inconveniences from which the constabulary are still suffering and I suspect that he has done so with a view to impress upon Delhi that we are still not dealing with the police in a proper manner. If my suspicion is correct then I must say that it is a gross misrepresentation of facts. You are perhaps aware that soon after we assumed office we made generous concessions to the demands of the constabulary, and before the last police strike was launched we appointed a senior superintendent of police to enquire into the other grievances of the police and suggest remedies. That officer is still engaged in this work. In your talks at Bhangi Colony you referred to the bad housing accommodation of the police. It is extremely regrettable that the Governor should have made a mention of it in his letter to Delhi. There was a great expansion of the police force in 1942 and the difficulties with regard to housing accommodation [were] the direct result of that expansion. The Section 93 Government had enough of money at their disposal, but they did nothing to remove this difficulty of the police. The present position is that schemes for the construction of new houses for the police have been sanctioned and a sum of several lakhs of rupees have been allotted for it. But the difficulty in our way is that it is not possible to get these schemes executed soon, because on account of the post-war development plan every department of Government has come up with big schemes for building and road-making and so the P.W.D. is faced with a heavy programme of construction of buildings and roads. Under the circumstances there is bound to be some delay in the construction of new buildings for the police force. The Governor must be knowing all this and so it was highly improper for him to make a reference to it in his letter to Delhi.

What I have written above I have written on the basis of the impression which I got from my talks with you and the Viceroy at Delhi. I feel things are not being represented correctly and I strongly protest against it.

Yours sincerely,
S.K. Sinha

The Hon'ble Sardar Vallabhbhai Patel
New Delhi

¹ Clarence James Creed: appointed to Indian Police and posted to Bihar in 1919, Inspector-General of Police, 1944, retired in 1949.

20. *From Sri Krishna Sinha to Vallabhbhai Patel*

Patna

20 May 1947

HON'BLE SARDAR VALLABHBHAI PATEL
MUSSOORIE

ZAMINDARI ACQUISITION BILL TABLED FOR TODAY'S SITTING OF LEGISLATIVE ASSEMBLY WHICH I AM POSTPONING TILL TOMORROW IN VIEW OF YOUR INSTRUCTIONS THAT FOR LIQUIDATION OF ZAMINDARIS SCHEME SHOULD BE PREPARED AND SUBMITTED FOR APPROVAL PLEASE WIRE INSTRUCTIONS WHETHER THE PRESENT BILL SHOULD BE INTRODUCED INTO THE ASSEMBLY AND CIRCULATED FOR ELICITING PUBLIC OPINION MOST MEMBERS CABINET FAVOUR THIS COURSE AND PARTY OVERWHELMINGLY SUPPORTS INTRODUCTION TRIED SPEAK YOU ON THE PHONE BUT FAILED TO CATCH YOUR VOICE

SRI KRISHNA SINHA

21. *From Jagjivan Ram to Dr. Sachchidananda Sinha*3 Queen Victoria Road
New Delhi
20th May 1947

Respected Sinha Sahab,

You are aware that the Sub-Committee of the Constituent Assembly to report on the future administration of the Excluded and Partially Excluded Areas is to visit Bihar in June. Mr. Jaipal Singh has submitted a formidable list of individuals and organisations which are primarily interested in separation of Chhotanagpur from Bihar. The Bihar Government has also submitted a list of witnesses. The list has not been prepared with any set purpose in view. You have made a special study of the separation problem not only of Chhotanagpur, but also of a few districts bordering on Bengal which are claimed by some Bengalee leaders to be amalgamated with Greater Bengal. Your help to counteract the evidence that may be given in favour of separation of Chhotanagpur is indispensable. I would, therefore, request you to throw your weight in this matter seriously.

With regards,

Yours sincerely,
Jagjivan

22. From Vallabhbhai Patel to Sri Krishna Sinha

Camp: Mussoorie
21 May 1947

SRIKRISHNA SINHA
PATNA

YOUR TELEGRAM OF YESTERDAY RECEIVED THIS MORNING. FULL INSTRUCTIONS WERE GIVEN TO YOU BY PARLIAMENTARY BOARD. I AM SURPRISED THAT YOU SHOULD NEED ANY FURTHER INSTRUCTIONS AT SUCH SHORT NOTICE. YOUR COURSE IS CLEAR. YOU MUST ABIDE BY THE DIRECTIONS OF PARLIAMENTARY BOARD.

VALLABHBHAI PATEL

23. From H.M. Patel to the Members of the Cabinet

GOVERNMENT OF INDIA
(CABINET SECRETARIAT)

IMMEDIATE
SECRET

New Delhi
The 6th June 1947

With reference to item 1 of the agenda for the Cabinet meeting called for 6 p.m. today,* the undersigned is directed to circulate to Hon'ble members a copy of a Note on the Administrative Consequences of Partition.

H.M. Patel
Cabinet Secretary

*See proceedings of the meeting in Appendices- Part I

(Note by Viceroy's Staff)

ADMINISTRATIVE CONSEQUENCES OF PARTITION

H.E. the Viceroy considered that it was necessary to examine the steps which should be taken to meet the eventuality of a decision in favour of partition. The problems are manifold and complicated and time is short. H.E. therefore circulated a paper prepared by his staff as a basis of discussion to the seven Indian leaders. This paper was discussed at a meeting which he held with them this morning, and the following note sets out the conclusions reached. It has not been checked either by H.F. the Viceroy or by the seven Indian leaders, and it may not therefore be correct in all respects.

2. The meeting agreed that the first step should be to set up a Committee on the highest possible level, which would be charged with the duty of enquiring into all matters connected with partition, and would be empowered to make decisions. The title of this Committee was not definitely decided, but "Partition Tribunal" and "Partition Council" were both favoured.

3. The Viceroy suggested that this Committee should consist of two of the principal political leaders of each party, together with a third spare member of each party in case of illness. The meeting was in general agreement with this proposal and Mr. Nehru and Mr. Jinnah undertook to forward names to the Viceroy.

4. The first step that would be required of the Partition Council would be to set up the administrative machinery necessary to enable them to carry out their functions. It was suggested that each of the various problems (see Annex I to this note) should be remitted to expert sub-committees, and that between these sub-committees and the Partition Council there should be set up a Steering Committee charged with the task of coordinating the reports of the sub-committees and presenting them to the Partition Council for information or decision as the case might be. The organisation tentatively proposed is shown in the diagram at Annex II, and a list of the proposed sub-committees (which is also subject to further consideration) is at Annex III.

5. There was general agreement that it would be necessary to provide for cases in which the Partition Council failed to reach agreement, and it was thought that an umpire should be appointed to take the final decision in such cases. The meeting was unanimous that the Governor-General should not fill this post but that it should devolve upon a man experienced in judicial affairs. Mr. Nehru and Mr. Jinnah agreed to send their suggestions to the Viceroy.

6. As regards the composition of the Steering Committee, the meeting discussed various alternatives and decided that this matter required further examination.

7. It was arranged that there should be a further meeting on this subject between H.E. the Viceroy and the seven leaders at 10 a.m. on Saturday the 7th June.

ANNEX I

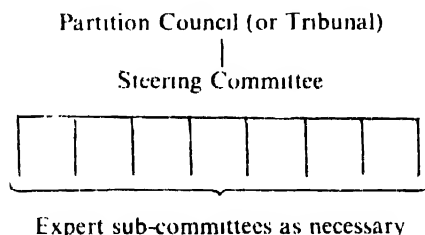
It is suggested that, before partition can be fully effective, decision, by agreement or if necessary by arbitration, will have to be reached on the following matters:

- (i) Final demarcation of boundaries.
- (ii) Division of the formations, units and personnel of the Indian Armed Forces.
- (iii) Division of the staff, organisations and records of Central civil departments, services and institutions, including Railways, Posts and Telegraphs, Broadcasting, Civil Aviation, Meteorology, Public Works,

Income Tax, Customs, Central Excise, Accounts and Audit, Scientific Services, Central Waterways and Inland Navigation Board, and Central Power Board.

- (iv) Division of the assets and liabilities of the Government of India including fixed installations and stores of the Defence Services, assets and property of the departments, services and institutions listed in (iii) above, public debt funded and unfunded, pensions, provident funds, etc.
- (v) Division of assets and liabilities of the Reserve Bank including currency, rupee securities, bullion and foreign exchange.
- (vi) Economic relations including freedom of trade and commerce, distribution of food resources, use of port and railway facilities.
- (vii) Jurisdiction of the High Courts and Federal Courts.
- (viii) Determination of domicile.
- (ix) Diplomatic representation abroad.

ANNEX II



Note: A Secretariat will be set up to serve the Partition Council and all its subordinate bodies.

ANNEX III

1. It is suggested that the following Expert Sub-Committees will be necessary:

(a) *Staff and organisation records and documents.* A committee empowered to call for information from all departments of the Central Government and the Central Board of Revenue, or alternatively a series of committees associated with the several departments, should report to the Partition Office, by a given date, on the following terms of reference:

- (i) the basis on which existing staff should be divided;
- (ii) the actual division of staff;
- (iii) duplicate organisation of offices and departments;
- (iv) requirements of buildings, furniture, stationery;
- (v) separation or duplication of records and documents, international agreements, etc.

(b) *Railways, Communications and miscellaneous Central services and institutions.* In the case of Railways, Posts and Telegraphs, Civil Aviation, Meteorology and other Central services and institutions, the terms of reference will include:

- (vi) division of the administrative organisation of the services passing through or situated in the divided territories.

(c) *Assets and liabilities.* A Finance Committee will deal with the division of the assets and liabilities of the Government of India and of the Reserve Bank. It is essential that this Committee should include in its scope the Armed Forces as well as the Civil Departments, so that it may obtain a fully integrated picture of all assets and liabilities. Where information is not available in the Finance Department, the Committee should be empowered to obtain the information from the departments concerned

The terms of reference of this Committee should include:

- (i) the division, final or provisional, of treasury and bank balances,
- (ii) the arrangements for the collection and distribution of customs and income tax and other items of revenue which are now Central.
- (iii) to ascertain the note issue liabilities of the two new Governments.
- (iv) facilities for transfer of funds from one area to another;
- (v) the effect of partition on exchange control;
- (vi) currency arrangements for a smooth transition;
- (vii) the basis for division of assets and liabilities,
- (viii) the enumeration and assessment of assets and liabilities,
- (ix) responsibility of each area for the public debt held by its nationals;
- (x) the nature of the financial settlements between respective Governments.

(d) *Economic relations.* An Economic Relations Committee associated with the appropriate departments should be set up to make recommendations on:

- (i) matters relating to freedom of trade and movement between the territories of the new Governments;
- (ii) effect of partition on the administration of existing controls, and alternative arrangements necessary,
- (iii) the pooling and distribution of food resources and other commodities in short supply;
- (iv) the sharing of port and railway facilities.

(e) *Jurisdiction of the High Courts and Federal Courts.* The Chief Justice of India should be invited to examine the effect of partition on the jurisdiction of the High Courts and Federal Courts, and to make recommendations.

(f) *Domicile.* A Special Committee associated with the Home Department

should examine the effect of partition on the question of domicile and nationality.

(g) *Foreign relations.* A Committee, associated with the External Affairs Department and the Commonwealth Relations Department, should make recommendations regarding the effect of partition on diplomatic representation in foreign countries, and the position of Indian nationals in Commonwealth countries.

2. *Division of the Armed Forces.* The division of the Indian Armed Forces has not been included in the above, but it is contemplated that a Committee will be set up by the Commander-in-Chief with as many sub-committees as may be necessary and will report direct to the Partition Council. It should, however, keep the Steering Committee in close touch with the progress of its work, and should be directly associated with the Finance Committee dealing with division of installations and stores of the Defence Services (see 1 (c) above).

24. *From H.M. Patel to the Members of the Cabinet*

GOVERNMENT OF INDIA
(CABINET SECRETARIAT)

New Delhi
The 14th June 1947

The undersigned is directed to circulate to Honourable Members for their information a copy of the proceedings of the meeting of the Special Committee of the Cabinet held on Thursday, the 12th June 1947,

H.M. Patel
Cabinet Secretary

The Hon'ble Dr. Rajendra Prasad.

Enclosure.

SECRET

*Meeting of the Special Committee of the Cabinet held on Thursday,
the 12th June 1947, at 10 a.m.*

PRESENT

His Excellency the Viceroy.

The Hon'ble Member for Finance.

The Hon'ble Member for Home and Information & Broadcasting.

The Hon'ble Member for Food and Agriculture.

The Hon'ble Member for Communications.

The Chief of the Viceroy's Staff.

The Principal Secretary to His Excellency the Viceroy.

The Secretary to the Cabinet.

MINUTES

1. *Procedure regarding partition in the Provinces.* It was noted that both in the Punjab and in Bengal various committees had been set up by the Provincial Governments. It was agreed that the machinery for partition in the Provinces should be generally on the lines of the machinery for partition at the Centre. There too the various committees etc. should have been set up in consultation with the leaders of the principal parties concerned. His Excellency said that he would inform the Governors of the Punjab and Bengal to review the machinery already set up in consultation with the leaders and make such alterations or modifications as may be necessary. His Excellency further directed that Provinces should be kept informed of action taken in regard to partition at the Centre.

2. *Machinery for implementing the partition.* The Committee considered the paper on the machinery for implementing the partition.

The Hon'ble Mr. Liaquat Ali said that the paper gave an incorrect impression regarding the position of this Committee. It was in his view set up only to prepare the mechanics of partition and was not to take any decision. It could do such preliminary work as was essential, and whatever it did was to be regarded as being subject to ratification by the Partition Council. It was contended that time was of the essence and if this Committee was to be compelled to refrain from taking any decisions, it could do whatever was possible short of deciding. The Hon'ble Mr. Liaquat Ali suggested accordingly that the Committee should be called upon (1) to make preparatory arrangements for the provision of accommodation, clerical staff, etc., and (2) to send out a questionnaire to officers of various services requiring which part of the country they wished to serve—Pakistan or rest of India.

The Committee agreed:

- (1) that for the present the Steering Committee should consist of two officials,
- (2) that Messrs. H.M. Patel and Mohamad Ali should be nominated as members of the Committee,
- (3) that its terms of reference should be to ensure:
 - (a) that complete proposals are evolved in time by the Expert Committees,
 - (b) that these proposals adequately dovetail with each other and form a comprehensive whole,
 - (c) that the recommendations of the various Expert Committees are presented to the Partition Council in a suitable form, and

(d) that the decisions reached are implemented in time.

The Committee directed further that

- (i) subject to the terms of reference that it might lay down for each of the Expert Committees, the Steering Committee may provide day-to-day guidance, advice and direction to them, and
- (ii) the members of the Steering Committee should keep in close touch with the members of the Cabinet Committee (and later the Partition Council when it is set up).

The Committee directed that the Steering Committee should in consultation with the various Departments concerned make recommendations in regard to

- (a) the various Expert Committees which should be set up,
- (b) the terms of reference of each Expert Committee, and
- (c) the personnel of each Expert Committee.

The Committee approved of the following provisional basis for the division of officers and staffs, namely, every Government servant would be given the opportunity to select the Government he wished to serve. If in any case during a transition period a different arrangement is necessary, specific orders of the Cabinet Committee (later Partition Council) would be obtained on the basis of the recommendations of the relevant Expert Committee.

The Committee also agreed that every reasonable assistance should be given for the training of Muslim officers in the work of departments of which no Muslim officer had any knowledge.

3. *Armed Forces Committee.* The Committee considered the question of the Armed Forces Committee. It was agreed that the relationship of the Armed Forces Committee to the Partition Council and the Steering Committee should be exactly similar to that of any of the other Expert Committees, that is, the terms of reference and the composition of the Armed Forces Committee would be approved by the Cabinet Committee (and later the Partition Council) and its report would be submitted to the Partition Council through the Steering Committee. While the Commander-in-Chief would doubtless keep the Hon'ble the Defence Member acquainted with whatever step he took, it would be correct for him to be in direct touch with the Steering Committee and with the Cabinet Committee (and later the Partition Council). It was understood that the Commander-in-Chief would be putting up before the Cabinet Committee a panel of names of senior Hindu and Muslim officers to enable the Cabinet Committee to select officers whom they would like to serve on the various Expert Sub-Committees. His Excellency said that at the next meeting a paper would be circulated which had been prepared by the Commander-in-Chief explaining clearly the problems involved in the partition of the Army and how it was

proposed to tackle them. His Excellency further suggested that it might assist discussion if, between now and Monday, one member at least on each side were to discuss the whole problem separately with the Commander-in-Chief. This was agreed to.

DECISION

(1) The Armed Forces Committee would stand to the Partition Council and the Steering Committee in the same relation as any of the other Expert Committees.

(2) The terms of reference and the composition of the Armed Forces Committee should be submitted to the Committee of the Cabinet for its approval.

(3) The paper prepared by His Excellency the Commander-in-Chief explaining the problems involved in the division of the Army and how it was proposed to tackle them should be circulated among members of the Cabinet Committee with a view to discussion at its meeting on Monday, the 16th instant.

25. *From Vallabhbhai Patel to Sri Krishna Sinha*

18 June 1947

My dear Sri Babu,

I understand that your Ministry have appointed Bipin Babu as Manager of Bettiah Estate. He has come to me for advice. I know something of the past when he was in charge as Manager of the Estate. It is not a bed of roses and no public man of his position would like to be placed in a position where there is a possibility of friction and undue interference which would result in creating misunderstanding amongst friends. I have advised him to accept the appointment as both you and Anugrah Babu have agreed on this point. But I have asked him to have a clear understanding on certain points from you before his accepting the responsibility. He will come to you and explain to you his doubts and difficulties and I trust you will be able to satisfy him.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Mr. Sri Krishna Sinha
Patna.

26. From A. Hilaly to all Chief Secretaries of Provincial Governments, all Secretaries of Departments of the Government of India, and all Chief Commissioners

GOVERNMENT OF INDIA
(PARTITION OFFICE)

New Delhi
The 21st June 1947

Sir,

As you are aware, in consequence of His Excellency the Viceroy's announcement of the 30th April 1947 regarding the withdrawal of the Secretary of State's control over his Services and more particularly the latest announcement of His Majesty's Government on the 3rd June 1947 regarding the impending transfer of power, it has become necessary to ascertain from all officers of the Secretary of State's Services whether or not they desire to continue in service after the transfer of power in order that suitable arrangements may be made to retain those that wish to continue and to replace those that desire to leave. Accordingly, the Government of India in their Home Department letter No. 160/47 R.R. dated the 18th June 1947 (and its enclosures) have requested you to ascertain the wishes of every individual officer in this regard as well as in respect of any possible change of Province that individual officers may be seeking consequent upon the present political situation.

2. I am now directed by the Partition Office set up under the Partition Committee of Cabinet to enquire specifically

- (i) how many of these officers (Indian or European) would wish to serve under the future Government of Pakistan in continuation of their permanent service and under the terms of the guarantees specified in para 1 of the Home Department letter No. 160/47 R.R. dated the 18th June 1947 which was addressed to individual officers (of course with the modification that in regard to disciplinary matters it will be the Central Public Service Commission of Pakistan that will be consulted);
- (ii) if any of the officers of non-Asiatic domicile who intend to retire after taking compensation and proportionate pension would wish to serve the future Government of Pakistan thereafter on the basis of a contract for a period of time and on terms to be mutually agreed upon.

3. I am to request you kindly to send immediately to every officer belonging to any of the Services noted in the margin and serving under your Provincial

1. The Indian Civil Service.
2. Indian Police.
3. Indian Agricultural Service.
4. Indian Educational Service.
5. Indian Forest Service.
6. Indian Forest Engineers' Service.
7. Indian Veterinary Service.
8. Indian Service of Engineers.

Government/under your administrative control a copy of the enclosed letter and to forward at a very early date a consolidated list of those who send to you a copy of their reply to the question asked in sub-para (i) of para 2 above together with the comments of the Provincial Governments, if any.

I have the honour to be,

Sir,

Your most obedient servant,

A. Hilaly

Deputy Secretary to the Govt. of India

27. *From A. Hilaly to all Officers of the Secretary of State's Services*

GOVERNMENT OF INDIA
(PARTITION OFFICE)

New Delhi
The 21st June 1947

Sir,

You will have received the Government of India Home Department's letter No. 160/47 R.R. dated the 18th June 1947 (addressed to you individually) in para 1 of which certain guarantees have been extended to those officers of the Secretary of State's Services who wish to continue in service. I am to reiterate that both the future Governments (viz., of Pakistan and of the rest of India) accept those guarantees and are prepared to give the terms indicated in that letter as regards pay, pension and disciplinary matters (of course with one modification, namely, that in disciplinary matters the Government of Pakistan will consult their own Central Public Service Commission).

2. In para 3 of the same letter you have been asked, if you desire to continue in service, to indicate whether you wish to ask for a transfer from the Province to which you now belong. In continuation thereof I am now desired by the Partition Office set up under the Partition Committee of Cabinet to enquire in

particular from you whether you wish to serve under the Government of Pakistan (and, if so, in which Province) on the existing terms and conditions of service as defined by the guarantees referred to in para 1 above. If you wish to do so, I am to request you to intimate to this office as early as possible and in any case by the 10th July 1947. A copy of your reply should simultaneously be sent to the Chief Secretary of your Provincial Government or, if you are at present serving under the Government of India, to the Secretary of your Department.

3. *To officers of non-Asiatic domicile only.* If with reference to para 2 of the above-mentioned letter of the Home Department of the Government of India you have decided to ask for pension to retire from service on the terms already announced by His Excellency the Viceroy in his statement of the 30th April 1947 (viz., on payment of compensation and pension or proportionate pension). I am directed to enquire whether after retiring on compensation and pension or proportionate pension, you would like to accept re-employment under the future Government of Pakistan on the basis of a contract for a number of years, and, if so, on what terms and conditions and for what period. Replies to this question may be kindly sent to me direct by the 10th July 1947.

4. I am to request you to note, however, that a reply to this letter does not dispense with the necessity of replying to the Home Department letter No. 160/47 R.R. dated the 18th June 1947 and its enclosures.

I have the honour to be,

Sir,

Your most obedient servant,

A. Hilaly

Deputy Secretary

28. *From H.V.R. Iengar to all members of the Constituent Assembly*

CONSTITUENT ASSEMBLY OF INDIA

Council House

New Delhi

23rd June 1947

From the day that India receives complete transfer of power from British hands, it is necessary that a national flag should fly from all public buildings. The design of this flag should be approved in advance by the Constituent Assembly of India.

2. The President has decided that an Ad hoc Committee consisting of the following members should be set up with a view to advising on the design of the flag. It is proposed that the report of the Committee should be placed before the next session of the Assembly commencing on the 14th of July.

1. Maulana Abul Kalam Azad
2. Mr. C. Rajagopalachari
3. Mrs. Sarojini Naidu
4. Sardar K.M. Panikkar
5. Mr. K.M. Munshi
6. Dr. B.R. Ambedkar
7. Sardar Ujjal Singh
8. Mr. Frank Anthony
9. Mr. S.N. Gupta (formerly Principal of the Mayo School of Arts, Lahore).

3. The President has good reason to believe that there is a strong feeling in the country in favour of adopting as the national flag of India the national flag adopted by the Congress in 1931. Copies of the resolutions passed by the Working Committee and the A.I.C.C. in August of that year are enclosed for information.

4. The first meeting of the Committee will be held in the President's room in the Council Chamber on Thursday the 10th July, at 10 a.m. I am to express the hope that you will find it convenient to attend.

Yours sincerely,
H.V.R. Jengar

To

All Members (by name).

Enclosure 1:

(Resolution passed by the Congress Working Committee at a meeting held in August 1931)

NATIONAL FLAG

Having considered the Report of the Flag Committee, the Working Committee appreciates its labours and endorses its view that the National Flag should not bear any communal significance and that it should be distinctive and not capable of being mistaken for the flag of any other country. The Working Committee feels, however, that it would be desirable to have as little change as possible in the existing flag. The Committee, therefore, recommends to the A.I.C.C. for its adoption the following change:

The flag to be three-coloured, horizontally arranged, as before, but the colours shall be saffron, white and green in the order stated here from top to bottom, with the spinning wheel in dark blue in the centre of the white stripe; it being understood that the colours have no communal significance, but that saffron shall represent courage and sacrifice, white peace and truth, and green shall represent faith and chivalry, and the spinning wheel the hope of the masses.

Enclosure 2:

(Resolution passed by the All India Congress Committee at a meeting held in August 1931)

The report of the National Flag Committee was considered and it was resolved that

The National Flag shall be three-coloured, horizontally arranged as before, but the colours shall be Saffron, White and Green, in the order stated here, from top to bottom, with the spinning-wheel in dark blue in the centre of the white stripe, the colours standing for qualities, not communities. The saffron shall represent courage and sacrifice, white peace and truth, and green shall represent faith and chivalry and the spinning-wheel the hope of the masses. The proportions of the flag should be as three to two.

The new national flag was required to be hoisted on August 30th, the last Sunday of the month, which was to be celebrated as the Flag Day.

29. *From Ramesh Chandra Bhargava to the Editors of the "Amrita Bazar Patrika", "The National Herald" and the "Pioneer"*

Dr. B.N. Varma Road
Lucknow
25th June 1947

Re: National Flag Committee of Consenbly Personnel

Sir,

The Hon'ble Dr. Rajendra Prasad, President of the Constituent Assembly of India, announced the names of the Ad Hoc Committee set up for formulating a national flag of Indian Union among whom one was expecting the name of Dr. Syama Prasad Mookerjee also but which has been left out by mistake, it is believed. If so, there is yet ample time and the mistake is also not of irreparable nature. I, therefore, request the Hon'ble President of the Constituent Assembly to please note the name of Dr. S.P. Mookerjee and add in the list of the Committee personnel and thereby give the Committee a national character with practically all groups being adequately represented.

It may be added in this connection that India's fight for Independence being triangular, India's national flag must be a triangular one. Practically all the free nations of the world have rectangular flags but India being a different country having different circumstances and different traditions must at least have a different design of its national flag. It may, therefore, be suggested that it should be triangular and orange-coloured having green and white borders on all sides

and a small picture of plough in the middle. Tricolour being the source of encouragement and inspiration to the Indian people for the attainment of freedom of their motherland, we cannot forget its importance; on the other hand we owe a duty to the martyrs of Indian Freedom Movement who were largely Hindus and agriculturists, who should be duly honoured and respected.

Yours etc.,
Ramesh Chandra Bhargava

N.B. Copies have been forwarded to the Hon'ble Dr. Rajendra Prasad, President of the Constituent Assembly; Sir B.N. Rau, Constitutional Adviser to the Govt. of India; and Dr. Syama Prasad Mookerjee, member of the Consenbly, for information.

Ramesh Chandra Bhargava

30. From H.M. Patel to the Members of the Cabinet

IMMEDIATE
SECRET

GOVERNMENT OF INDIA
(CABINET SECRETARIAT)

New Delhi
The 25th June 1947

With reference to item 3 of the agenda for the meeting of the Special Committee of the Cabinet called for 10 a.m. tomorrow, the 26th June. regarding the preliminary arrangements for the setting up of the Central Pakistan Government in Karachi, the undersigned is directed to circulate to Honourable Members a note by the Honourable the Finance Member which should be taken to replace the note on the subject already circulated.

H.M. Patel
Cabinet Secretary

The Hon'ble Dr. Rajendra Prasad.

Enclosure:

(Note by Liaquat Ali Khan, the Finance Member)

ESTABLISHMENT OF THE HEADQUARTERS OF THE PAKISTAN GOVERNMENT
AT KARACHI

I wish to raise a matter of great importance and of the highest urgency. In order to establish the Headquarters of the Pakistan Government at Karachi within the

very short time available, it is necessary to take immediate action in a number of directions.

2. The most important of these is the provision of office and residential accommodation for the offices and personnel that will be transferred from Delhi to Karachi and for the Pakistan Constituent Assembly. A survey carried out by the Sind Government has shown that even if the Sind Government move out of Karachi, the available accommodation will be far short of the requirements of the Pakistan Government. The only way of meeting the deficiency is to make military accommodation in Karachi available for the purpose. This will probably entail the vacation of Karachi Cantonment and possibly also of parts of other Cantonments such as Malir.

3. It will also be necessary to build temporary accommodation, huttet or tented. The Central P.W.D. should give the highest priority to the work and a definite quota of necessary building materials such as cement, steel, sanitary fittings, etc., should be allotted and moved to Karachi immediately.

4. Another pressing and essential requirement is the provision of a press for the Pakistan Government in Karachi. The Sind Govt. has a small press which is already overworked. None of the private presses in Karachi could cope with the volume of printing which will be required by the Pakistan Government. It is essential therefore to transfer one of the Government of India presses to Karachi.

5. There are a number of other items such as installation of telephones, purchase of furniture, provision of transport, etc. Assistance would thus be required from a number of Departments of the Government of India.

6. Unless the whole weight of Government machinery is put behind this project it will not be possible to have it carried out in time. I would strongly urge that the Partition Council should issue a directive to all Departments of the Government of India including Defence Department and the Commander-in-Chief that they should give full assistance and provide the necessary facilities and the required priority for the establishment of the Headquarters of the Pakistan Government at Karachi.

7. The expenditure incurred on this project will be booked separately as a charge against the Pakistan Government and taken into account in the financial adjustment between the two Governments.

Liaquat Ali Khan

31. *From Vallabhbhai Patel to Sri Krishna Sinhu*

New Delhi
27 June 1947

My dear Sri Babu,

I have been hearing disturbing reports about the labour situation in Jamshedpur. This morning I had a talk with the Iron & Steel Controller who

happened to visit Delhi. You know full well how difficult the steel position is in the country, and it is impossible for us to contemplate with equanimity the continuance of such a situation in Jamshedpur. It is neither wise nor expedient that we should deal with the situation when it worsens. The prudent course obviously is to take sufficiently preventive measures in advance; otherwise we have to face the odium of unpleasantly drastic measures.

2. Having regard to these aspects, I feel that you should ask your Home Minister immediately to proceed to Jamshedpur and to appraise the situation from the law and order point of view. The Labour Minister might also accompany him, so that the labour aspect could also be considered. On their advice, you should take immediately such preventive measures as are necessary. The danger period, I am told, is likely to be between 3 and 10 July when the payments will be made. You must see that nothing untoward happens.

3. I should like to get a report from you of the action taken and the result of the visit, before 3 July.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Mr. Sri Krishna Sinha
Patna.

32. *From H.M. Patel to the Members of the Cabinet*

SECRET

GOVERNMENT OF INDIA
(CABINET SECRETARIAT)

New Delhi
The 29th June 1947

The undersigned is directed to circulate to Honourable Members for their information a copy of the proceedings, as approved by His Excellency the Viceroy, of the meeting of the Special Committee of the Cabinet held on Thursday, the 26th June 1947.

H.M. Patel
Cabinet Secretary

Enclosure:

SECRET

*Meeting of the Special Committee of the Cabinet held on Thursday,
the 26th June 1947, at 10 a.m.*

PRESENT

His Excellency the Viceroy.
The Hon'ble Member for Finance.
The Hon'ble Member for Home.
The Hon'ble Member for Food and Agriculture.
The Hon'ble Member for Communications.
The Hon'ble Member for Defence.
His Excellency the Commander-in-Chief. (For items 4, 6 and 7 only.)
The Chief of the Viceroy's Staff.
The Principal Secretary to His Excellency the Viceroy.
The Financial Adviser, Defence and Supply.
The Secretary to the Cabinet.
The Deputy Secretary to the Cabinet.

MINUTES

1. *Procedure for the appointment of Governors of Provinces.* His Excellency stated that it would be necessary to decide who would be the appointing authority for Governors of the two Dominions. There was no uniform practice; in Canada, for example, such appointments were made on the recommendation of the Governor-General-in-Council whereas in Australia the State Governments advised on this subject. His own opinion was that the Canadian practice was the more suitable one. It was also necessary to give some indication to the present Governors as to whether they would be kept on after the 15th of August. As far as the Governors of the Punjab and Bengal were concerned they had informed him that they would ask to be relieved of their offices as it would be embarrassing for them to serve in either part of those Provinces after division.

Sardar Patel said that the Congress preferred the Canadian method; Mr. Liaquat Ali Khan said he wished to consider the matter further and would give his reply the following day.

It was agreed that recommendations on the above questions would be made in consultation with the leaders of the two parties and should bind the respective successor Governments.

11. *The replacement of the Special Committee of the Cabinet by the Partition Council.* His Excellency said that the question of the date on which the present Special Committee should be replaced by the Partition Council and the

composition of the latter had to be settled. He suggested that as the Punjab, Bengal and Sind had all voted in favour of partition, in accordance with the decision previously taken, the Partition Council should be set up immediately. It would be composed of three members from the Congress, and three from the League, but meetings would be attended by only two members from each party. The Viceroy would be in the chair as at present. It was agreed that the first meeting of the Partition Council should be on the following day and that, before then, Sardar Patel and Mr. Liaquat Ali Khan should intimate to the Cabinet Secretary the names of the members their respective parties wished to nominate on the Council.

III. *Preliminary arrangements for the setting up of the Central Pakistan Government in Karachi.* His Excellency said he was faced on two occasions during the war with problems similar to those which now faced the future Government of Pakistan when he had to move the Headquarters of South East Asia Command first from Delhi to Kandy and then to Singapore. He could appreciate, therefore, the difficulties of the Pakistan Government and he hoped the Committee would agree to the requests for assistance made on its behalf and accord them top priority.

In the course of subsequent discussion the following points were made:

- (1) The original note which had come through the Steering Committee was acceptable as it provided for demands being vetted by the Steering Committee. The revised note of the Hon'ble Mr. Liaquat Ali Khan, however, sought a general directive from the Partition Council to all departments to meet demands without providing for their prior scrutiny. Some of the requests in the latter list could not be agreed to. It would not be possible, for example, to spare a Government Press for the use of the Pakistan Government because the existing number of Government Presses was inadequate to cope with the work they had to do.
- (2) The question was raised whether it was in order for a member of the Council to send any paper direct and not through the Steering Committee for consideration in the Council. After some discussion, it was agreed that a member was entitled to bring up any subject directly before the Partition Council, if necessary, and without its having been first passed through the Steering Committee, care being taken, save in exceptional circumstances, to see that the Steering Committee had sufficient time to examine the proposals involved, and, if necessary, to brief the concerned members of the Council. If this were not conceded the work of the Council, which was the body to take all high level decisions, would be impeded.

Summing up, His Excellency said the Committee was agreed that the original note should be accepted and top priority given both to the consideration of the matters mentioned in it and to the execution of non-controversial items. A list of items in the revised note which were considered controversial might be drawn up

by the Steering Committee together with brief notes on each point which would assist the Council in arriving at a decision and be placed before the Council at its meeting tomorrow.

The Committee agreed:

- (1) that the procedure for meeting any of the requirements in the note submitted by the Steering Committee should be as indicated in paragraphs 2 and 3 of that note and that the approved demands should receive top priority;
- (2) that the Steering Committee should place before the Partition Council for consideration at its meeting tomorrow a note dealing with the request for the transfer of a Press and any other controversial items;
- (3) that members of the Partition Council would be entitled to bring up matters directly before the Council, it being understood that the Steering Committee should, as far as possible, be given sufficient time before the meeting to enable them to examine the proposals in question, and to brief, where necessary, the members of the Council on such subjects.

IV. *A note by the Commander-in-Chief on the retention of British officers in India.* His Excellency said that it must be recognised that the process of nationalisation and the division of the Armed Forces could not proceed together. In effect this would mean that the special programme of nationalisation would in the meantime have to be put on ice and that division would have to be given preference. That would mean retaining a proportion of British officers in the Dominion Governments for some time. He had discussed this question with the Cabinet in London which was generally agreeable to some officers being kept on provided they were first transferred to the British service. They might perhaps be known as belonging to the British service (Indian Branch). A similar method had been adopted by the other Dominions of the Commonwealth when they were building up their Armed Forces. British officers, however, could only be asked to volunteer to stay on and not be compelled to do so. He did not, however, anticipate much trouble on this score although in the past year many of them had been discouraged by the communal troubles and the prevailing uneasiness in the country. A paper was being prepared on the proposed terms on which these officers might be kept on, and it would be put to the Partition Council.

The Commander-in-Chief explained that it was essential to avoid the possibility of chaos in the units, and every effort will be made to retain the British officers as far as possible in the units in which they were now serving during the process of reconstitution. He emphasised the desirability of the leaders making it known that they wished some British officers to stay on for a time in order to help the Dominion Governments to build up their Armed Forces. If this were done they would be assured of getting the required number of officers who would give of their best.

In the course of subsequent discussion, the following points were made:

1. It was desirable to retain some British officers for such purposes as

training Indians to take their place but they should not be used to quell communal trouble. The Indian parties had been accused in the past of relying on British arms to put down communal rioting and further charges of that nature must be avoided. His Excellency undertook to prepare a draft common message to British officers for the consideration of both parties. This message would be put out by the Partition Council expressing its desire that officers should stay on and assist in the building up of the two Dominion Forces.

2. As was proposed to be done in the case of Indian officers, British officers also might be given the option of deciding in which of the two Dominions they would prefer to serve. It was pointed out, however, that this would be a wrong approach calculated to put into their heads the idea of taking sides. In any particular case where an officer had strong personal reasons for serving in a particular area, he could ask for transfer to another unit in that area.

The Committee approved His Excellency's proposal to have a paper prepared in the light of today's discussion, and in consultation with Sir Chandulal Trivedi, among others. The paper should be placed before the Partition Council for consideration on Monday next.

V. *Letter regarding option to Secretary of State's Officers issued in anticipation of approval.* The Committee took note of the letter.

VI. *Division of Armed Forces.* His Excellency said he had discussed the question of the division of the Army with the Commander-in-Chief and they were both in agreement that the two Dominions should each have an operational Commander-in-Chief responsible for the Forces in their respective territories. Until the division was completed administrative control for the whole of the Army would be with a joint Headquarters under the Commander-in-Chief. This general administration related to matters such as food, clothing, equipment, ordnance and medical supplies and moving of units from one Dominion to another. Meanwhile, the disposition of troops would be so arranged that by the 15th of August or as soon thereafter as might be possible there would be a maximum number of troops in the respective Dominions to which they belonged.

The Commander-in-Chief explained that in order to avoid a breakdown, the process of transferring administrative control would have to be done by stages but it would proceed as rapidly as possible. Details would have to be worked out by the Expert Committees and approved by the Partition Council. Each Dominion would thus gradually be building up its own administrative organisation. For some time to come it would be necessary to continue certain establishments under joint control until each Dominion was in a position to take over the whole work. This control could be exercised by the Joint Headquarters, the policy being determined by a Defence Council consisting of the Governor-General or Governors-General, the two Defence Ministers, and the Commanders-in-Chief or, alternatively, by the Partition Council with which might be associated the Defence Members of the two Dominions.

In the course of subsequent discussion it was pointed out that under existing

circumstances, tension would be greatest in the areas through which the boundaries would be drawn between Pakistan and the rest of India. There was a possibility of a clash of operational control over the two armies in that area and it was necessary to avoid such a contingency. The suggestion was made that the Boundary Commissions which would be required to finish their work by the 15th August might be asked to stay on for two or three months to exercise joint control over such areas and secure a common policy for the operation of troops in them. Alternatively, a common policy could be evolved by the proposed Defence Council. This would be a matter for the Partition Council to consider.

In answer to a question the Commander-in-Chief said that the basis for division of the Armed Forces was primarily a matter for the Armed Forces Reconstitution Committee to decide but he thought that a suitable guiding principle on which the Expert Committees could start work would be to move units composed predominantly of Muslims and non-Muslims to Pakistan and to rest of India respectively.

Summing up, His Excellency said the Committee seemed to be agreed in principle that operational command should pass to the respective Dominions but that joint administration should remain with a common body until such time as it could be transferred to the respective Dominions. He would prepare a paper in the light of today's discussion for consideration by the Partition Council on Monday.

His Excellency went on to request the Commander-in-Chief to prepare two separate panels of names of officers considered suitable for appointment as operational Commanders-in-Chief of the forces of the two Dominions and to discuss these lists separately with each party.

VII. *Withdrawal of British Army.* H.E. said that Field Marshall Montgomery has discussed with Pandit Nehru and Mr. Jinnah the question of the rate of withdrawal of the British Army from India after the 15th of August. H.M.G.'s views were that the withdrawal of British units should commence on the 15th of August, proceed gradually, and be completed by the end of February 1948 at the latest.

VIII. *Boundary Commissions.* H.E. said that at the time of giving the Boundary Commissions their terms of reference he proposed to hand over to them certain documents, namely, a copy of his broadcast, the letter of the Dewan of Bahawalpur regarding the Sutlej and the use of its waters, and the scheduled castes' request for special consideration.

After some discussion it was agreed that as it would be open to interested parties to submit any documents, which they wished to be considered, direct to the Boundary Commissions, they need be given nothing beyond their terms of reference.

H.E. further said that all parties had unanimously expressed the opinion that it was most desirable that the Boundary Commissions should finish their work by the 15th of August. If this was to be done, it would be necessary, he felt, to modify the previous decision that the Commissions should elect their own Chairmen. In

his view it would expedite work if the Partition Council could agree upon the names of two eminent men enjoying the confidence of both parties to serve as Chairmen and having a casting vote. He had accordingly asked the Secretary of State if he could suggest suitable persons for appointment as Chairmen and the latter had recommended Sir Cyril Radcliffe, a man of high integrity, legal reputation, and wide experience. If it proved difficult to find any other person he would suggest that Sir Cyril might be considered for the Chairmanship of both Boundary Commissions. The advantage of such a course would be that Sir Cyril Radcliffe would be enabled to adjust any slight loss one State might have to suffer in one particular area by compensating it in another and generally to see that justice was done uniformly to all claims. Further if, as was probable, the work of the Arbitral Tribunal would arise mostly after the 15th of August, it might be possible to retain Sir Cyril for that work also. The idea generally appealed to the members and they agreed to consider it further. H.E. for his part agreed to write formally to Sardar Vallabhbhai Patel and Mr. Liaquat Ali Khan asking them to consider the suitability of Sir Cyril Radcliffe and setting out details of his experience and the terms on which he might be invited to come to India. His fees would be debited to the general expenses of partition.

IX. *Reconstitution of Governments at the Centre and in Bengal.* His Excellency said that the decision to partition the country and divide Bengal necessitated the reconstitution of both the Central Government and the Bengal Government. These appeared to him to be interrelated matters which would have to be considered together. He was of the view that the best way of handling the situation in Bengal was to appoint Congress Ministers for West Bengal, and to give them the right to veto any action which they considered was likely to be harmful to the interests of West Bengal. Mr. Jinnah, with whom he had discussed the matter, approved of this idea, and he had communicated it to the Governor of Bengal. It had occurred to him since that the position at the Centre was no different from that in Bengal, and an identical course of action should be pursued. He had accordingly asked the Governor of Bengal to stay his hand until a decision was reached in regard to the Centre.

He would have liked the present arrangement to continue at the Centre but if that were done, it would be only fair to make corresponding arrangements for Bengal by appointing a Coalition Ministry.

In the course of subsequent discussion the following points were made:

- (1) The two cases were not parallel. In Bengal a Ministry was functioning which was responsible to, and commanded a majority in, the Provincial Legislature whereas the Executive Council Members at the Centre were not responsible to the Central Legislature.
- (2) It was necessary to consider this question on a commonsense basis rather than by a legalistic approach. Only then would our action command public confidence.
- (3) A possible solution would be to have two Cabinets at the Centre, one dealing

with Pakistan and the other with the rest of India. No decision would be taken by either which was likely to affect the interest of the other without mutual consultation. Under this scheme there would, of course, be only a single Secretary in each Department who would put up papers to the Member concerned. Correspondingly, in Bengal Congress Ministers would have to be appointed for the western part of the Province.

- (4) Since the economy of the country was at present integrated it would be impossible to ensure that any proposed action would apply only to one part and not to the whole country. The best working arrangement would be to lay down that all action would be taken only by mutual agreement between the two parties in the present Central Government.
- (5) Another course would be to replace the present Central Government by Congress Members who would hold the portfolios and appoint League Members who would have a watching brief on behalf of Pakistan and see all papers. The League Members would have the right to veto any decision which they considered prejudicial to the interests of Pakistan. Corresponding to this set-up at the Centre, Congress Ministers could be appointed in Bengal with a watching brief while the League Members would have the portfolios.
- (6) If action on any of the lines indicated were to be taken it would be necessary to make similar provision for Sylhet also.

Summing up, His Excellency said that he himself was in favour of the continuance of the present Government at the Centre with a strict adherence to the 'standstill' agreement and a Coalition Government or regional Governments in Bengal. That was calculated to hold up least the work of partition. The other two alternatives were the ones set out at (3) and (5) above. He requested the members of the Partition Council to consider these alternatives carefully and to discuss them or any other arrangement they could think of with him on the following day.

33. *From Mahatma Gandhi to Mathuradas Trikunji*

New Delhi
July 2, 1947

Chi. Mathuradas,

I have your letter. At the moment it is 50 minutes past 4 o'clock. I am dictating this letter while sipping fruit juice. I had your letter read out to me at a quarter past four, soon after the prayers. My earlier advice stands. You should give up worrying about mundane matters. You are ripe for meditating upon the eternal. I am going to dictate as much as I can in a few minutes.

America is not India. America worships gold. The golden calf is her god. She is

almost like Australia. The only difference is that Australia is peopled by those who are considered the scum of England whereas America is peopled by that of Europe. . . . In modern parlance they constitute the New World; India is an ancient land. India will never be considered primarily a worshipper of the golden calf. I do not think so and also never heard anyone saying so. Still if what you say is true, then I have missed the truth right from my childhood.

Pride of language, village and religion have long been coexisting and they still do. Now it is five o'clock and I must go for my walk with Rajendra Babu. What more can one say to the wise?

Bapu

34. *From Mahatma Gandhi to Datar Singh*

New Delhi
July 13, 1947

Dear Sardarji,

I have read through your article. I can't usefully add anything to it. I shall discuss it with Rajen Babu.

You should not think of bringing your wife here till she is fairly restored.

And how is Kirpal?

Yours sincerely,
Bapu

35. *From H.V.R. Iengar to all members of the Ad Hoc Committee on National Flag*

CONSTITUENT ASSEMBLY OF INDIA
(AD HOC COMMITTEE ON NATIONAL FLAG)

New Delhi
July 16, 1947

A meeting of the Ad Hoc Committee on the National Flag will be held on Friday the 18th July 1947, in Room No. 28, Council House, at 6 p.m. (or immediately after the rising of the Assembly) to consider the design of the National Flag as decided upon at the first meeting.

H.V.R. Iengar
Secretary

To all members of the Ad Hoc Committee on National Flag.

36. *From N. Baksi to Sri Krishna Sinha*

Commissioner's House
Patna
The 30th July 1947

My dear Mr. Sinha,

I enclose herewith a copy of my D.O. to Mr. Mahamaya Prasad together with a copy of my draft directional instructions for filming the Independence Day Celebrations in Bihar, on the 15th August.

As I have to go to Bhagalpur for the defamation case against the *Morning News*, which opens on the 1st August and may not be able to return before the 3rd or 4th August and as the time left is very short, I beg to make the following suggestions for favour of immediate necessary action:

- (i) The Army authorities in the Defence Department may be requested to arrange that a squadron of bombers or fighters are available to fly past the National Flag at 8 a.m. on the 15th August, after the flag is hoisted by you at the Bankipur Lawn.
- (ii) Hon'ble Dr. Rajendra Prasad or Hon'ble Sardar Patel may be requested to make necessary arrangements so as to enable us to incorporate the film showing the ceremonial for the making over of the seal of office to the President of the Constituent Assembly by H.E. Lord Mountbatten in token of transfer of power on the 15th August. I have no doubt that arrangements have been made for filming the ceremony using film of standard (commercial) size, i.e., 32 mm- which we shall be using.

I trust that you will kindly agree that it is of the utmost importance that a visual record of these historic celebrations—specially in connection with the replacement of the Union Jack by our National Flag—should be kept for the benefit of the future generations and I beg to suggest that the film may be widely shown throughout the rural areas. I have arranged for the filming with a reliable film company and will submit my further proposals for getting the message to be read by you recorded and also for a running commentary.

With kind regards,

Yours sincerely,
N. Baksi

Hon'ble Mr. S.K. Sinha
Prime Minister of Bihar
New Delhi.

37. *From Sankarrao Deo to all Provincial Congress Committees*

ALL INDIA CONGRESS COMMITTEE

6 Jantar Mantar Road
New Delhi
1st August 1947

Dear Friend,

As the Presidents and Secretaries of many of the Provinces were here for the last session of the Constituent Assembly, the President called them for a discussion on the most important question which is engaging the attention of all Congressmen, namely, 'the future of the Congress'. Can the Congress continue to serve the Indian people in free India or should it be dissolved? If it is to continue, what should be its objective and programme? Is it not necessary to make fundamental changes in the constitutional structure of the Congress? These were the questions that the Presidents and Secretaries discussed with the President and amongst themselves freely. After two sittings they appointed a small committee to prepare a draft embodying the greatest common measure of agreement reached on these questions in the discussion. In their third and last meeting the Presidents and Secretaries approved the draft prepared by the Committee embodying, in the main, the principles and broad items of the programme as well as the organisational structure as approved by them. I am sending you the draft with some modifications. I request you to place it before your Working Committee and also send it to prominent workers in your Province for opinion and suggestions. You will send these in a consolidated form not later than the end of first week of September. I would like you to send the draft to your subordinate Congress Committees also, if possible, so that Congress workers and Congressmen should get full opportunity to express their opinions and make their contribution to the solution of this most vital problem on which not only the future of the Congress but, in a sense, of the whole country depends.

Our intention is to place concrete proposals on this subject before the coming session of the A.I.C.C. which will be held in Bombay probably in the 3rd week of September. The reports from the Provinces containing their suggestions and recommendations will form the basis of our proposals.

Yours sincerely,
Sankarrao Deo
General Secretary

38. *From Jawaharlal Nehru to Vallabhbhai Patel*

17 York Road
New Delhi
4 August 1947

My dear Vallabhbhai,

I give below the list of names for the new Cabinet which I have sent to the Governor-General:

1. Sardar Vallabhbhai Patel
2. Maulana Abul Kalam Azad
3. Dr. Rajendra Prasad
4. Dr. John Matthai
5. Sri Jagjivan Ram
6. Sardar Baldev Singh
7. Shri C.H. Bhabha
8. Rajkumari Amrit Kaur
9. Shri Rafi Ahmed Kidwai
10. Dr. B.R. Ambedkar
11. Dr. Syama Prasad Mookerjee
12. Sir Shanmukham Chetty
13. Shri Narhar Vishnu Gadgil

The portfolios have not been mentioned. It is proposed, however, that portfolios with the old Members should be retained by them except for a change necessitated by Rajaji's departure.

Yours sincerely,
Jawaharlal

The Hon'ble Sardar Vallabhbhai Patel
New Delhi.

39. *From Dr. P. Subbarayan to Vallabhbhai Patel*

Madras
22 September 1947

My dear Sardarji,

In continuation of my letter wherein I sent a cutting from the *Madras Mail* of the letter of Mr. Alladi Krishnaswami Ayyar with regard to the Zamindari Abolition Bill about to be introduced in our Assembly, I am herewith sending a note on authorities with regard to the question of compensation which I have got done in consultation with Mr. Alladi Krishnaswami Ayyar. You will see it is

interesting reading and I would like you very much to consider the question as raised in this note. As I said in my last letter, I shall be grateful for your advice in this matter. It has caused a great deal of heartburning among the classes who are now prepared to support the Congress.

I have submitted this also to the Prime Minister but I shall be grateful if you also write to him as to the course to be taken in regard to this legislation. All that I want is that we should not be in such a hurry, especially when it concerns the question of expropriation of property rights. It really requires much greater care than has been bestowed upon it and I feel the policy should be one for all India and not isolated for every Province as seems to be the case now.

As I told you in my last letter, I am loath to disturb you especially at this juncture when you have so much trouble up North. But as I said the matter is so important and urgent that I feel as a younger brother I can trouble you on this matter and take your advice.

There is a resolution proposed in our Legislative Council with regard to the draft Constitution which they feel ought to be considered by both Houses of the Legislature before it is finally taken up for consideration in the Constituent Assembly. That seems to be the feeling in most of the Members of the Upper House. Mr. Gopalaswami Ayyangar told me before he left that it would be best to oppose this resolution but our Cabinet finds it hard to deny this right to the legislators. I shall be glad of your advice in this matter. I did intend to move in the Assembly for having the draft provincial constitution taken into consideration, but as the rule with regard to consideration by the Assemblies of the Provinces had been abrogated in the Constituent Assembly, I withdrew the notice I had given at the time. However I would like to have your final advice in this matter.

I trust Manibenji and you are well in spite of the strenuous time you have been having in Delhi.

With pranams and affectionate regards,

Yours,

P. Subbarayan

The Hon'ble Sardar Vallabhbhai Patel
New Delhi.

Enclosure:

(Note on the question of compensation in the Zamindari Abolition Bill sent to Vallabhbhai Patel by Dr. P. Subbarayan)

A comparison of section 299(i) of the Government of India Act, of the fifth Amendment in the United States Constitution, and section 51, clause 31, of the Australian Constitution, and what is implied in section 51, will point to the conclusion that there is substantially no difference between the right of a party whose property is expropriated or taken over by the state under the American and Australian Constitutions and that of a person whose property is taken over by

the Government under section 299 of the Government of India Act read with the lists. There is no difference in effect and in principle between the import of the expression 'compensation' in section 299 of the Government of India Act, 'just compensation' in the fifth Amendment to the American Constitution, and 'just terms' in section 51 of the Australian Constitution. In a case reported in 27 C.W.N. 210 at p. 216 the import of the expression 'compensation' is explained in the following terms:

The term compensation, as pointed out in the Oxford Dictionary, signifies that which is given in recompense, an equivalent, rendered.... The term compensation etymologically suggests the image of balancing one thing against another; its primary signification is equivalence, and the secondary and more common meaning is something given or obtained as an equivalent. The derivative meaning was familiar to the Roman jurists and reappears in the modern codes founded on the Civil Law (Sohm, *Institutes of Roman Law*, 3rd ed., pp. 458-463).

Nor can it be suggested that when, in the alleged interests of the tenantry of this Province and with a view to promote the interests of agriculture, the landholder, be he a zamindar or an inamdar, is divested of his property and the same is vested in the Government, the property is not taken over for public purposes within the meaning of section 299 of the Government of India Act. A Government can only function for public purposes and not for any private purposes, and the preamble itself states what the public purpose is.

The expressions 'compensation' and 'just compensation' have been the subject of judicial decisions both in Australia and in America. In 66 C.L.R. 77 the question at issue was whether the Government can fix its own price in respect of apples taken over by the Government during the time of the war and make the price so fixed conclusive and binding upon the parties....

Dealing with the second point, Latham C.J. observes on p. 102 that compensation means adequate compensation, an amount which really is compensation. On p. 105 Rich J. says that the acquisition is in the nature of a compulsory statutory sale and the expropriated party is in the position of a vendor making an agreement for sale on the terms of receiving the value of the article appropriated. On p. 106 it is observed that the power to expropriate is limited by a qualification on inhibition which it has no power to alter. A similar view is taken in several other Australian cases—vide, for instance, 67 C.L.R. 314.

The United States Supreme Court has also consistently taken the same view—vide 290 US at pp. 16 & 17, 78 Law. Edn. at pp. 144, 148 US at p. 327, 78 Law. Edn. 1236-292 US 246. They have also taken the view that from the date the property is taken over in addition to the value of the property, the dispossessed person is entitled to interest as a substitute for the income lost. Even under section 299, the compensation will have to be assessed with reference to the value of the property on the date of the acquisition.

In the light of the American and the Australian cases, it would be clear that it is the value of the property as at the time when the property is taken over by the Government that must be the determining criterion for purposes of assessing compensation. Even if there is any warrant for lowering the market value to any extent, the compensation must have distinct reference to the value of the properties as on the date of the taking. It cannot be possibly assessed with reference to any conjectural or hypothetical basis resting on any procedure adopted in regard to assessment at the time of the Inam or Permanent Settlement without any reference to the actual rental which the zamindar or inamdar is, as a fact, lawfully realising from the ryots under the existing law of the land.

P. Subbarayan

40. *From Vallabhbhai Patel to Sri Krishna Sinha*

New Delhi
25 September 1947

My dear Sri Babu,

Rajen Babu has shown me some correspondence with Jairamdas [Doulatram]¹ about the latter's position as Governor vis-a-vis yourself. Both Rajen Babu and I are much distressed to know that there is not that complete mutual trust and confidence which is not only required by the circumstances in which we find ourselves but also by constitutional propriety. It is well known that a constitutional Governor's position is to advise and warn his Prime Minister or the Cabinet; but, if despite this the Prime Minister or the Cabinet decides to follow a different course, he must take their advice. In order faithfully to discharge this responsibility, it is necessary that the Governor should have access to relevant files and information. To withhold it from him would be seriously to cripple him in the functions of his office.

2. I could understand your hesitation or disinclination to let the Governor see the relevant files, if we did not have our own man as Governor. Past experience or prejudices are now out of place. You have to consider the whole position in relation to the facts that the Governor of your Province is an Indian and a trusted and responsible Congressman who has been a member of the Congress Working Committee. There is no reason why, if the Governor wishes to keep himself in touch with developments in relation to certain vital matters, you should not take him into confidence or let him see the relevant papers.

3. I hope, in the light of what I have said above, you will see your way to accommodate Jairamdas's wishes in the matter. I have no doubt, and Rajen Babu agrees, that he is correct in the position which he has taken. If, in spite of it, any difficulties develop and a crisis comes up, it would be most unfortunate both for

you and the Province and for all of us. What he is asking is very much less than what has been conceded to Rajaji by the West Bengal Government or to Dr. Katju² by the Orissa Government. I hope you will calmly reflect over the advice I am giving you and yourself realise that in such mutual accommodation between yourself and the Governor lies your strength.

4. Bapu has also seen the correspondence and agrees that you should accommodate Jairamdas in this matter and establish friendly and trustful relations with the Governor.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Shri Sri Krishna Sinha
Patna.

¹ M.L.C. (Bombay), 1927-29; General Secretary, A.I.C.C., 1931-34; member, Congress Working Committee; member, C.A., 1946; Bihar Governor, 1947; later Union Food Minister, and Governor, Assam

² Dr. K.N. Katju: Governor of Orissa, 1947; later Minister of Home and Defence in Nehru Cabinet; retired as Chief Minister of Madhya Pradesh.

41. From Vallabhbhai Patel to Jairamdas Doulatram

New Delhi
25 September 1947

My dear Jairamdas,

Rajen Babu has given me your letter to him. He is ill and, therefore, cannot write to you or to Sri Babu. I have, therefore, written the enclosed letter to the latter.*

I hope things would improve as a result of this letter and that you will not take any hasty action. We are all very sorry to know that these developments should have taken place.

With kind regards,

Yours sincerely,
Vallabhbhai Patel

His Excellency Shri Jairamdas Doulatram
Governor of Bihar
Patna.

*See Vallabhbhai Patel's letter to Sri Krishna Sinha, dated 25 September 1947.

42. *From Vallabhbhai Patel to Dr. P. Subbarayan*

New Delhi
2 October 1947

My dear Subbarayan,

Many thanks for your letters. I fully realise how you feel on the question of the Zamindari Bill, but you know that the Parliamentary Board has been reconstituted and Acharya Kripalani is now the Chairman. I suggest, therefore, that you write to Acharya Kripalani on this subject pointing out to him how this legislation is being rushed through and how it is desirable that before any further action is taken it is scrutinised with a view to examining whether it is in conformity with Congress policy. At the same time please send a copy of your letter to me.

With kind regards,

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Dr. P. Subbarayan
Madras.

43. *From Vallabhbhai Patel to Sri Krishna Sinha*

New Delhi
12 October 1947

My dear Sri Babu,

I wrote to you on 25 September about certain matters regarding your relations with the Governor. I have neither had an acknowledgment nor a reply. I hope it has not gone astray. However, I am enclosing a copy* in case you have not yet received my letter. I should be glad of a very early reply.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Shri Sri Krishna Sinha
Camp: Ranchi.

*See Vallabhbhai Patel's letter to Sri Krishna Sinha, dated 25 September 1947.

44. *From Vallabhbhai Patel to Sri Krishna Sinha and Jairamdas Doulatram*

New Delhi
12 October 1947

(1) HON'BLE SRI KRISHNA SINHA RANCHI

(2) HIS EXCELLENCY SHRI JAIRAMDAS DOULATRAM RANCHI

I SENT A LETTER TO YOU ON 25 SEPTEMBER BUT HAVE RECEIVED NEITHER

ACKNOWLEDGMENT NOR REPLY PLEASE INFORM ME AT ONCE WHETHER
LETTER REACHED YOU

VALLABHBHAI

45. From Jairamdas Doulatram to Vallabhbhai Patel

New Delhi
12 October 1947

SARDAR VALLABHBHAI PATEL
NEW DELHI

RECEIVED HAVE WRITTEN YESTERDAY

JAIRAMDAS

46. From H. V. R. Iengar to Vishnu Sahay

IMMEDIATE

PRIME MINISTER'S SECRETARIAT

New Delhi
13th October 1947

My dear Vishnu,

The Prime Minister has decided to write a fortnightly letter to all the Provincial Premiers in India on the 1st and 15th of each month. He has also asked the Premiers to send him a fortnightly letter. These letters will take the place of the correspondence that used to pass between the Governor-General and the Governors of Provinces before the 15th of August.

2. If there is any point concerning the affairs of your Ministry which you would like the Prime Minister to put personally to any Provincial Premier, I shall be grateful if you will send me the details together with a draft paragraph not later than the 12th or 27 of each month.

3. It is proposed to send the first letter in the course of the next two days. If you have got any material for inclusion in this letter, will you kindly let me know at once.

Yours sincerely,
H. V. R. Iengar

Principal Private Secy. to the Prime Minister

Vishnu Sahay, Esq., I.C.S.
Secretary to the Govt. of India
Ministry of Food
New Delhi.

*47. From Sri Krishna Sinha to Vallabhbhai Patel***Ranchi****14 October 1947****HON'BLE SARDAR VALLABHBHAI PATEL
NEW DELHI****YOUR LETTER DATED 25 SEPTEMBER REACHED ME IN MY ABSENCE ON TOUR
REPLY WILL FOLLOW SHORTLY****SRIKRISHNA***48. From R. R. Prasad to the Superintendent of Police, Dhanbad***CONFIDENTIAL****Memo. No. A/XXV-1-47****Office of D.I.G., S.R.****Ranchi****23 October 1947**

Subject: Names of important workers and sympathisers who are agitating or trying to work up agitation for inclusion of borders of Bihar in West Bengal.

Reference your Memo. No. 1342 Con. dated 13-9-1947.

You should obtain reports on the activities of the individuals mentioned in the Memo. under reference and if they are found agitating or actively supporting the agitation, a full report should be sent immediately.

It is necessary to keep running record of such individuals for suitable action in future, if necessary.

R.R. Prasad**D.I.G., S.R.****The S.P., Dhanbad.****Memo. No. 2962-63/Con. dated 1st October 1947.****Copy forwarded to D.I., Dhanbad/Gobindpur, for early report.****Superintendent of Police
Dhanbad**

49. From Jairamdas Doulatram to Vallabhbhai Patel

Government House
Ranchi
26 October 1947

My dear Vallabhbhai.

I am writing this letter in connection with an official matter relating to Bihar. The Province has been feeling very badly the need of a radio transmitting station to guide public opinion more effectively on several controversial public questions. We have to depend now entirely on the Press. It is not properly under our control or influence, and the administration feels badly handicapped for want of its own radio station.

2. Bihar was to receive a radio station in 1941, but the North-West Frontier Province was able to exert influence and so Peshawar was given the radio station originally expected to be given to Bihar. Peshawar radio station is now lost to us. I understand that there are several Provinces with two radio stations and there are some others without any, and these are claiming to have a radio station. I do hope that Bihar will not be overstepped this time also. I have had a talk with the Prime Minister and he is equally keen in the matter. Mr. Choudhury, the Director-General of All India Radio, was here two days ago. I have discussed this matter with him. We would need one radio station at Patna with a partial linking arrangement at Ranchi so as to get items relating to Adivasi culture into our programme, and also to appease the Adivasi feeling which is so hostile at present, since the Adivasis feel that the rest of Bihar does little for the Adivasi area. Mr. Choudhury felt that this linking arrangement would be a practical proposition.

3. Our idea is that the Patna-Ranchi radio station should commence functioning on Independence Day,¹ that is, 26 January. I understand that the intervening period would suffice to set up the arrangements. I have had a talk with Dr. P.K. Sen whose house was proposed to be taken as the temporary premises for the Patna-Ranchi radio station, and he is agreeable to hand over possession of his place on 1 November.

I hope it would be possible for you to sanction this arrangement in time.

4. I hope Maniben received my letter written to her about a fortnight ago from Jamshedpur. I hope to write to her again tomorrow. Things may shape themselves well after all. I will know definitely in the first week of November.

I hope you are maintaining your health.

Yours sincerely,
Jairamdas

The Hon^{ble} Sardar Vallabhbhai Patel
New Delhi.

¹It was on 26 January that the Pledge of Independence adopted at the Lahore Congress in 1929 was taken annually. After the adoption of the Constitution of India, 26 January is now observed annually as Republic Day.

50. *From Vallabhbhai Patel to Jairamdas Doulatram*

New Delhi
2 November 1947

My dear Jairamdas,

Thank you for your letter dated 26 October 1947. I shall look into the question of a radio station for Bihar. We are proceeding as expeditiously as possible with the installation of radio stations and Patna is, as you know, already on our priority list. We are trying to complete it as soon as possible.

2. Sri Babu has not yet sent me a reply. I was going to send him a reminder, but in view of para 4 of your letter which holds out some hope of things being satisfactorily settled this week, I am not doing so for the present.

With kind regards,

Yours sincerely,
Vallabhbhai Patel

His Excellency Shri Jairamdas Doulatram
Government House
Ranchi.

51. *From Vallabhbhai Patel to Sri Krishna Sinha*

New Delhi
2 November 1947

My dear Sri Babu,

My attention has been drawn to the enclosed cutting. It is amazing that such a thing should have happened in such an unseemly fashion. If the evil is as extensive and as high-placed as the reply makes it out, your Government should have dealt with the matter drastically before it became public. For the Minister to bring about such disclosure before taking the Cabinet or ultimately the Parliamentary Board into confidence is even more incomprehensible. I have no doubt whatsoever that both the disclosure and the manner of revealing it have brought the Congress organisation in Bihar into disgrace. I should very much like you to send me an immediate report on the whole matter.

2. I also fail to see how the Minister can put the blame for the issue of these permits either on the relatives of Ministers and Parliamentary Secretaries concerned or on the Excise Commissioner. It is well known that a Minister is responsible for what happens in his department and if such an amazing thing that

has happened the Minister must share the blame along with others on whom he is apparently trying to throw it.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Shri Sri Krishna Sinha
Ranchi.

Enclosure not included.

52. From Jairamdas Doulatram to Vallabhbhai Patel

Patna
6 November 1947

My dear Vallabhbhai,

I received today your letter regarding the Patna-Ranchi radio station. Thanks. I came here on 31 October.

Sri Babu has taken no step at all this week as promised. He left Patna on 1 November for a tour without meeting me as he had said to me at Ranchi he would do. Nor has he written to me anything so far, after he has left. All this is an extraordinary manner of dealing with an urgent and important matter or with a person chosen by him and who is sincerely anxious to serve the Province and help the Ministry.

Some officials also wish that I should have no opportunity to advise since they are now able to rule as they like through some good-natured Ministers.

You had advised me not to take any hasty action. Six weeks have passed since then. All sorts of action are being taken by the Ministers without my being in a position to give them in time my advice, views, suggestions even confidentially!

I am awaiting your further guidance in the matter. How long can things drift on like this? Something definite needs to be done now early.

With respectful regards,

Yours sincerely,
Jairamdas Doulatram

Sardar Vallabhbhai Patel.

53. From R.S. Shukla to J.B. Kripalani

Nagpur
7th November 1947

My dear Kripalaniji,

Many thanks for your letter dated 28th October 1947. I am sorry I could not write earlier owing to the prolonged session of the Assembly which has

concluded only yesterday.

I am enclosing herewith two letters from my colleague, Shri Gokhale, written to Shri Mehta, our Finance Minister. They conclusively prove that Seth Brijlal Biyani did not leave anything undone to bring about the downfall of the Ministry. As you are probably aware, both Shri Gokhale and B.A. Deshmukh were taken into my Cabinet as the nominees of Seth Biyani, President of the Vidarbha Provincial Congress Committee. While Shri Gokhale refused to hit below the belt, Shri Deshmukh all the time secretly helped Seth Biyani. The plans of the hostile Berar group were mostly hatched at meetings held at his bungalow. Unlike Shri Gokhale, Shri Deshmukh hid everything from me and my colleagues and would have stabbed us in the back if conditions favoured his plans. When he found that the game could not succeed, then too before pledging his loyalty to me he consulted Seth Biyani. Thus it is clear that instead of looking up to me he looks upon one who is outside the Cabinet as his chief. His continuance in the Cabinet has therefore only one meaning, viz., that Shri Biyani wants to keep one of his men in the Council of Ministers to use him against me and my colleagues if and when the desired hour arrives. It is beyond doubt, therefore, that in these circumstances it is not possible for me to continue any confidence in Shri Deshmukh. I have already placed this matter before other colleagues, every one of whom agrees that it is impossible for them to continue to work with Shri Deshmukh.

In conclusion, I may assure you that I am asking for permission to remove Shri Deshmukh not in a spirit of vindictiveness but purely to maintain harmony and confidence in the Cabinet without which it is impossible for it to function effectively.

Expecting an early reply,

Yours sincerely,
R.S. Shukla

Acharya J.B. Kripalani
President, I.N.C. & Parliamentary Board
6 Jantar Mantar Road
New Delhi.

Enclosure 1:

-
Nagpur
The 4th October 1947

My dear Mehtaji,

I am now constrained to speak to you on a matter which is of importance for the future of Government. From the talk which I had with Mr. Brijlalji Biyani, it was evident that there was a move in Berar to upset the Ministry and my support to the move was being canvassed but no one else talked to me about the matter.

This evening I was called by Mr. Bhandari to his bungalow and Gopalrao Deshmukh was also there. Both of them pressed upon me the urgency of removing this Ministry by proposing a vote of 'no confidence'. I advised them as a friend to desist from this path. I said personally I had no reason to vote no confidence in the Ministry; on the contrary, my relations with the Prime Minister are emphatically and positively cordial and I myself have perfect trust in him. It will be therefore dishonest for me to support any motion of 'no confidence' in the Leader or in his Cabinet. Both of them, however, were arguing that in the interest of Berar politics I should consent to join them. They said that the President of the Provincial Congress Committee insists upon this being done, because his prestige is being undermined by the Cabinet. I naturally asked them to refer this matter, if true, to the High Command and to have a verdict from the High Command. They said they had absolute majority and full advantage should now be taken of upsetting this Ministry. I emphatically said 'no'. I left them immediately after. They, however, said that they would consult Mr. Biyani and let me know. I told them that I had already discussed the matter with Mr. Biyani and asked them not to pursue this course. But evidently Mr. Biyani is persisting in this course, and I think it is to the detriment of Berar. I feel it my duty to bring this to your knowledge, so that the Cabinet should have a chance of knowing who is who. Mr. Bhandari insisted on my keeping the conversation secret from the Prime Minister. I feel, however, that I must take you into confidence.

Yours sincerely,
S.V. Gokhale

The Hon'ble Mr. D.K. Mehta
Minister of Finance
C.P. & Berar.

Enclosure 2:

Nagpur
The 6th October 1947

My dear Mehtaji,

Since I wrote to you last, Mr. Bhandari came over to me again and told me that Mr. Brijlal Biyani had again phoned him to press upon me the urgency of the step that is being taken by them. Naturally, I declined. From his attitude, however, I found that they feel rather confident of success and are not prepared to listen to any advice. The fact is Mr. Biyani has made this a personal issue and is bent upon using all his influence on the Berar members to upset the present stable ministry.

I cannot be a party to this and have explained the situation to Mr. Bhandari fully and finally.

Yours sincerely,
S.V. Gokhale

The Hon'ble Mr. D.K. Mehta
Minister of Finance
C.P. & Berar.

54. From Dr. B.R. Ambedkar to Jawaharlal Nehru

1 Hardinge Avenue
New Delhi
9th November 1947

My dear Prime Minister,

I write to acknowledge your letter of the 8th November 1947 enclosing a copy of your letter to the Hon'ble Dr. Rajendra Prasad touching the question of converting the Federal Court into Supreme Court before the passing of the new Constitution. I have also received from Dr. Rajendra Prasad a copy of the letter which he has sent to you. I shall have the matter examined by the Legislative Department and will let you know at a later stage what steps should be taken to give effect to the proposal.

Yours sincerely,
B.R. Ambedkar

Hon'ble Pandit Jawaharlal Nehru
Prime Minister, India
New Delhi.

Copy forwarded to Hon'ble Dr. Rajendra Prasad.

B.R. Ambedkar

55. From Sri Krishna Sinha to Vallabhbhai Patel

Ranchi
12 November 1947

HON'BLE SARDAR VALLABHBHAI PATEL
NEW DELHI

RECEIVED YOUR LETTER DATED 2 NOVEMBER TODAY ON RETURN FROM LONG
TOUR HENCE NOT POSSIBLE TO SEND REPLY IN TIME

SRIKRISHNA

56. From Sri Krishna Sinha to Vallabhbhai Patel

6 Ferozshah Road
New Delhi
18 November 1947

My dear Sardar Sahib,

I did not see you until yesterday because of the meeting of the A.I.C.C. as I thought you might be very busy with it. Suddenly last night I was taken ill with rheumatic pain in my knee which has made it impossible for me today to move about. I hope to get sufficiently well by day after tomorrow to be able to come and see you and I shall be grateful if you kindly fix sometime day after tomorrow, the 20th instant, if it suits your convenience.

Yours sincerely,
S.K. Sinha

The Hon'ble Sardar Vallabhbhai Patel
1 Aurangzeb Road
New Delhi.

57. From Vallabhbhai Patel to Sri Krishna Sinha

New Delhi
19 November 1947

My dear Sri Babu,

Thank you for your letter of 18 November 1947 which I received this morning. I am sorry to hear that you were laid up with rheumatic pain. If you could come to my room in the Council House sometime tomorrow, say about 3 p.m., I would come out of the Assembly and we could have a chat.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Shri Sri Krishna Sinha
6 Ferozshah Road
New Delhi.

58. From Jairamdas Doulatram to Vallabhbhai Patel

Patna
23 November 1947

SARDAR VALLABHBHAI PATEL
NEW DELHI

AWAITING INTIMATION RESULT TALKS DUE ON TWENTIETH

JAIRAMDAS

59. *From Vallabhbhai Patel to Jairamdas Doulatram*

24 November 1947

HIS EXCELLENCY GOVERNOR OF BIHAR
PATNA

THANKS YOUR TELEGRAM 23 NOVEMBER LETTER FOLLOWS

VALLABHBHAI

60. *From Sri Krishna Sinha to Vallabhbhai Patel*

New Delhi
24 November 1947

Dear Sardar Sahib,

Sometime back while at Ranchi I received a letter from you regarding our relationship with the Governor of my Province. It is a fact that some difference has arisen between us and him as to the function of a Governor with regard to the transaction of the business of Government. With the passing of the Independence Act the position of the Governor in the Government has completely changed. He is now a constitutional Governor in the real sense of the term and so his function with regard to the execution of Government business should be that of such a Governor. The view that Shri Jairamdasji seems to take of the function of a Governor does not seem to me to be justified by the present constitutional position and this has been the reason of the unfortunate difference.

I always felt sure that I was right in the constitutional view that I took of the matter. But I thought that before I replied to you I had better consulted the Premiers of the other Provinces. I placed this matter before my Cabinet and my colleagues also advised me to do that. So on my reaching Delhi I put myself in contact with Pantji, Shri Kher and Shuklaji.¹ They all agree with me in the view that I have taken of the matter and the rules of executive business that they have framed or are about to frame are on the line on which I intend to frame them. Shri Kher has given me a copy of the new rules of executive business of the Bombay Government and I will recommend to my Cabinet to frame the rule of executive business on the lines of these rules. I think Shri Jairamdasji should have no objection to this.

I may assure you that I will always do my best to see that there is a spirit of perfect goodwill and cooperation between the Governor and myself and my

colleagues. It will be my honest endeavour to keep him in touch with everything important and have the benefit of his advice.

Yours sincerely,
S.K. Sinha

The Hon'ble Sardar Vallabhbhai Patel
New Delhi.

¹Pandit Ravishankar Shukla: Entered Legislative Council of Central Provinces in 1923 as member of Swaraj Party; Minister of Education, July 1937; Premier, August 1938; Chief Minister of C.P. after Independence and later of the reformed State of Madhya Pradesh until 1956.

61. *From Vallabhbhai Patel to Jairamdas Doulatram*

New Delhi
25 November 1947

My dear Jairamdas,

Thank you for your telegram of 23 November 1947.

2. I discussed this matter on a general basis and not particularly with reference to you with the Premiers who had come to attend the Conference convened by me on 22 November. I found that except in West Bengal, and possibly in Orissa, Governors did not see the files or interview officers individually. The case of U.P. is peculiar on account of its Governor, but I found that generally the practice was on the lines of Bombay rules a copy of which I have asked Kher to send to me. Bombay or Madras would be a particularly good precedent because both these Provinces have as Governors men from parliamentary life in England. The Governor of Bombay is particularly fully conversant with the constitutional practice as he was a Whip of the Conservative Party. I shall send you the rules when they are received from Balasaheb. Sri Babu has agreed and is willing to implement those rules in Bihar.

3. Apart from this I feel that constitutionally the position that you must see files or interview individual officers would not be tenable having regard to your position as a constitutional Governor. The case of Rajaji or Katju is different because in these Provinces the Ministry is itself desirous of leaning on the Governor for support. I hope, therefore, that you will review the whole position when you get a copy of Bombay rules and I sincerely wish you will accept those rules in regard to the relationship between yourself and the Ministry.

With kind regards,

Yours sincerely,
Vallabhbhai Patel

H.E. Shri Jairamdas Doulatram
Patna.

62. *From Vallabhbhai Patel to Jairamdas Doulatram*

New Delhi
29 November 1947

My dear Jairamdas,

In continuation of my letter dated 25 November 1947, I am sending herewith copies of the Rules of Business and Instructions regarding the business of the Government at present in force in Bombay. Instructions 7 (a) and (g), 15, 24 (2), 26, 27 (2) and 40 are relevant. It is quite clear that no files are to be sent to the Governor, though copies of important letters, telegrams and orders are forwarded to him for his information.

Similarly, a list of business for every meeting of the Council and subsequently copies of the proceedings are also sent to the Governor. To my mind, this is sufficient for purposes of a constitutional Governor to advise his Ministry on important matters, before final decisions are made, and to acquaint himself with important developments taking place in various departments. I would, therefore, suggest that similar rules may be made in Bihar Province.

I should be glad if you would kindly return the copies of the rules and instructions.

Yours sincerely,
Vallabhbhai Patel

His Excellency Shri Jairamdas Doulatram
Patna.

Enclosures not included.

63. *From Jairamdas Doulatram to Vallabhbhai Patel*

Government House
Patna
- 6 December 1947

My dear Vallabhbhai,

I have received your letter of 1 December today and also Jawaharlal's letter. I have informed him that I am agreeable to work in Rajendra Prasad's place in the Central Cabinet. I doubt if I can leave Bihar before the 23rd as I have to preside on the 20th and 21st as Chancellor of Patna University which has to confer honorary degrees on Dr. Rajendra Prasad, Maulana Azad and three local public

men, including our Prime Minister. So I expect to reach there on the 24th or thereabouts.

With best regards,

Yours sincerely,
Jairamdas

Sardar Vallabhbhai Patel.

64. From Jawaharlal Nehru to Vallabhbhai Patel

Allahabad
14 December 1947

SARDAR VALLABHBHAI PATEL
GOVERNMENT HOUSE
CUTTACK

REGARDING BIHAR RAJENDRA BABU CONSULTING FRIENDS REQUIRES MORE
TIME FOR CONSIDERATION

JAWAHARLAL NEHRU

65. From the Chief Secretary, Bihar, to the Prime Minister/Home Minister

15 December 1947

FOREIGN [sic] NEW DELHI

FOR HONBLE PRIME MINISTER/HOME MINISTER INDIA THE INDIAN NATION OF PATNA PUBLISHES TODAY IN BROAD HEADLINES NEWS THAT GOVERNOR OF BIHAR RESIGNS BECAUSE HE REFUSES TO BE A SILENT SPECTATOR OF CONGRESS MINISTRY'S MISDEEDS THE PAPER FURTHER SAYS THAT REASONS FOR THIS MOMENTOUS DECISION APPEARS TO BE THAT UNDER HIS VERY NOSE HIS EXCELLENCY FINDS WIDESPREAD CORRUPTION FAVOURITISM AND MUDDLE AND HE FINDS THAT OWING TO CONGRESS MINISTRY'S ATTITUDE REFUSING THE GOVERNOR TO HAVE HIS SAY HIS EXCELLENCY HAS TO BE A SILENT SPECTATOR OF ALL MISDEEDS AND BUNGLINGS OF MINISTRY GOVERNMENT HERE DO NOT KNOW SHRI JAIRAMDASJI HAS RESIGNED AND THAT TOO FOR THESE REASONS NOW AS A VERSION DAMAGING REPUTATION OF MINISTRY HAS APPEARED IN THE PRESS IT IS VERY NECESSARY THAT GOVERNMENT HERE SHOULD KNOW IF IT IS A FACT THAT HE HAS RESIGNED AND THAT TOO FOR REASONS MENTIONED ABOVE

CHIEF SECRETARY BIHAR
PATNA

66. *From the Ministry of Home Affairs to the Chief Secretary, Bihar*

16 December 1947

CHIEF SECRETARY BIHAR
PATNA

FOLLOWING FOR SRI KRISHNA SINHA FROM SARDAR PATEL YOUR TELEGRAM DATED 15 DECEMBER RECEIVED BY ME TODAY ON RETURN FROM TOUR THERE IS NO TRUTH WHATSOEVER IN THE REPORT REGARDING JAIRAMDASS RESIGNATION OR OF THE REASONS STATED THEREIN

MINISTRY OF HOME AFFAIRS

67. *From Jairamdas Doulatram to Vallabhbhai Patel*Government House
Patna
23 December 1947

My dear Vallabhbhai,

I understand that the Deputy Director of Central Intelligence Department at New Delhi has issued provisional instructions that the representative in the Province of the Central Intelligence Department (who is an officer of the Government of India) should not hereafter send copies [of] his daily and fortnightly reports to the Governor. These reports are sent to the Head Office of the Central Intelligence Department. The practice of sending copies to the Governor is in my view exceedingly desirable because it enables the Governor to remain in touch with the undercurrents in the Province and from the point of peace and tranquillity they contain valuable information. To keep the Governor in ignorance even about the development of things which may at any time affect the peace of the Province is in my view very risky and inadvisable at this juncture and in the present uncertain situation before the country. I do not see what harm there can be in the Governor getting copies of these reports which are sent to the Government of India. I hope you will kindly go into this matter and allow the present practice to continue.

I hope you will be able to have me relieved early. I have written to Panditji on the 21st with a request to inform you also.

I hope you are in the best of health.

Yours sincerely,
Jairamdas

Sardar Vallabhbhai Patel.

It will be recalled that the Constituent Assembly during its last session appointed a Committee with Mr. B. R. Ambedkar as chairman for considering ~~and reporting on the~~ ^{proposing} the ~~amendment~~ ^{provisions} of the Independence of Indian Independence Act in regard to the Constituent Assembly. The unanimous report of the subcommittee which was accepted by the Assembly was that - although under the Act the Constituent Assembly had two functions, viz. of Constituent meeting and of acting as the Central Legislature of India, the Assembly was one and its President was the supreme head both on the legislative and administrative sides and directed that steps should be taken by the President to have necessary and consequential changes made in the Rules etc. At the time the President happened to be a Minister of India the Committee was of opinion that it would be anomalous for a member of the Government to preside over the Assembly when it was functioning as the Central Legislature and it therefore suggested that provision should be made for the appointment of another Officer for the purpose of presiding over the Assembly when it was functioning as the Central Legislature. Necessary changes in the rules were made and a Speaker was elected for presiding over and discharging the duties of the President when the Assembly was ~~not~~ ^{functioning as} ^{legislature} ^{central} ^{legislature}.

It is now proposed to alter the previous decision of the Assembly and the rules so as to give the Speaker full and independent powers. Incidentally the anomaly which necessitated the appointment of a Speaker has in the meantime disappeared on account of the resignation by the President of his office as a Minister of India. In my opinion although the reason for the appointment of a Speaker is no longer operative, it is desirable and necessary to have the Speaker for the better working of the Assembly on its legislative side. The difference which has arisen can be ~~now~~ ^{be} resolved in one of the following ways.

~~Constitution should~~
The previous decision of the Assembly should be reconsidered and the rules relating to the powers of the President should be amended.

Facsimile of a draft note by Dr. Rajendra Prasad (with an addition made by Mahatma Gandhi)

(The first page of Gandhiji's draft is not traceable)

It will be recalled that the Constituent Assembly during its last session appointed a committee with Shri G.V. Mavalankar as Chairman for considering and reporting on the provisions of the Indian Independence Act in regard to the Constituent Assembly. The unanimous report of the subcommittee which was accepted by the Assembly was that although under the Act the Constituent Assembly had two functions, viz., of constitution-making and of acting as the Central Legislature of India, the Assembly was one and its President was the supreme head both on the deliberative and administrative sides and directed that steps should be taken by the President to have necessary and consequential changes made in the rules etc. As at the time the President happened to be a Minister of India, the Committee was of opinion that it would be anomalous for a member of the Government to preside over the Assembly when it was functioning as the Central Legislature and it therefore suggested that provision should be made for the appointment of another officer for the purpose of presiding over the Assembly when it was functioning as the Central Legislature. Necessary changes in the rules were made and a Speaker was elected for discharging the duties of the President when the Assembly was functioning as the Central Legislature.

It is now proposed to alter the previous decision of the Assembly and the rules so as to give the Speaker full and independent powers. Incidentally the anomaly which necessitated the appointment of a Speaker has in the meantime disappeared on account of the resignation by the President of his office as a Minister of India. In my opinion although the reason for the appointment of a Speaker is no longer operative, it is desirable and necessary to have the Speaker for the better working of the Assembly on its legislative side. The difference which has arisen can be resolved in one of the following ways.

The previous decision of the Assembly should be rescinded and the rules relating to the powers of the President should be amended so as to withdraw from him all powers both on the deliberative and administrative sides of the Assembly when it is discharging one of its functions, viz., as the Central Legislature, and vest those powers independently in the Speaker. This involves not only a curtailment of the powers of the President but practically splitting up of the Assembly into two independent bodies each under an independent head having nothing to do with the other. Apart from the fact that this is against the spirit if not the letter of the Indian Independence Act, which does not contemplate the Central Legislature as separate from the Constituent Assembly but only lays down an additional function and work for the Constituent Assembly which continues with all its powers and prestige, it seems to me that any such change depriving the President of his powers is inconsistent with the dignity and prestige of the office.

In the alternative the position of the Speaker may be secured by a delegation by the President of all his powers and functions so far as the legislative function of the Assembly is concerned to the Speaker. Such a delegation will make the Speaker fully independent in all respects, and at the same time maintain the power of the Speaker. The President is prepared to irrevocably delegate all his powers and functions to the Speaker so far as the Constituent Assembly works and functions as the Central Legislature. If this alternative is not acceptable, I am prepared to step down so that any person who can reconcile himself to the first alternative may be elected President or both the offices of the President and the Speaker may be combined in one person and the difference may disappear.

I am sorry that I have to become party to what may appear to be a controversy between the two individuals. I desire to give the assurance that I am not allowing, so far as is possible, personal element to influence my judgement and I would take the same view if someone else held the high office of the President of the Constituent Assembly of India. I would therefore request that in case delegation is not acceptable my resignation should be accepted and the way made clear for a solution which will be acceptable to all.

This should resolve all the practical difficulties that have arisen or may arise in future; at the same time it will obviate the necessity for reversing any decision already taken by the Constituent Assembly.

I strongly feel that there should be no diminution of the powers or prestige of the President and that the first alternative will have such an effect; I accordingly strongly urge that the second alternative, and not the first, should be adopted

(The addition made by Mahatma Gandhi)

Whilst I have set forth above what in my view would best meet the situation, I wish to make it clear that in what I have stated there is no question of personal pride or dignity. That we have deliberately laid aside during the long career of the Congress. As your first President I wish to be and remain, whilst you keep me in this exalted position, a jealous guardian of the honour and prestige of this democratic body. It is needless to say that I shall cheerfully carry out the wishes of this Assembly.

(An extract from the book *At the Feet of Mahatma Gandhi*, written by Dr. Rajendra Prasad
(published in 1955))

It is worthwhile recording an incident here, for it just saved me from taking a wrong step which might well have proved to be a moral fall for me. While I was President of the Constituent Assembly, a situation had arisen involving my self-respect, and I was thinking of tendering my resignation. I had even drafted my letter of resignation. Before, however, taking such a serious step, I thought it necessary to consult Mahatmaji. I explained to him the whole situation and showed him the draft letter. He approved of what I had written but did not approve of the course of action I had proposed to take. He told me: "If anyone else had wanted to do it, I would not have stood in his way. But it is not right that you should tender resignation simply because the question of your self-respect is involved. In public work, one should be prepared to bear up against insults, and should not give up on that account."

I at once saw Gandhiji's point. I was about to fall because of personal pride, and he had just saved me. I did not send that letter. Those who were responsible for upsetting me do not know of this even today, and they need not know it at all. I have mentioned it only with a view to pointing out that a person who claims to serve the people should not bother about self-respect: he should have only one objective before him, and that should be the service of the nation. A friend of mine came to know something about what had happened to me in this connection. When he mentioned it to Mahatmaji, the latter said: "There should be at least one man who should not hesitate to take the poison cup if I hand it to him." That friend, too, understood, and did not say anything further about it.

This incident, too, occurred during the last days of Mahatmaji's life. It will, therefore, continue to be a source of strength and inspiration to me as long as I live.

Congratulations. As your
first President
I wish to see and
remain whilst
you keep me in the
exalted position
a jealous guardian
of this honour & pre-
stige of this demo-
cratic body. I am
~~unwillingly~~ ~~unwillingly~~ ~~unwillingly~~
it is needless to say
that I shall cheerfully

3

4

carry out the
wishes of this
assembly

68. *From Sri Krishna Sinha to Vallabhbhai Patel*

Patna

24 December 1947

Dear Sardar Sahib,

I understand that you are likely to visit Patna on 26 January 1948 to perform the opening ceremony of the Patna station of All India Radio. May I request you to come over to Patna to perform the opening ceremony? I shall be very glad if you will stay with me in Patna.

With pranam,

Yours sincerely,
S.K. Sinha

Sardar V.J. Patel
New Delhi.

69. *From Vallabhbhai Patel to Sri Krishna Sinha*

New Delhi

27 December 1947

My dear Sri Babu,

Thanks for your letter of the 24th instant. It is my intention to come there on 26 January 1948 for performing the opening ceremony of the Patna broadcasting station. Thank you for your invitation. I will inform you in time if there is any change.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Mr. Sri Krishna Sinha
Patna.

70. *From R.S. Shukla to Vallabhbhai Patel*

Camp: Government House
Jubbulpore
28 December 1947

My dear Sardar Sahib,

I have been anxiously waiting for a long time to get the formal approval for the action to be taken by me about Mr. B.A. Deshmukh, Minister [from Berar]. I

enclose copy of a letter which I have written to Rajendra Babu about this matter.* I shall be thankful if you kindly expedite this matter now, so that we may carry out our plans as soon as possible.

Yours sincerely,
R.S. Shukla

The Hon'ble Sardar Vallabhbhai Patel
New Delhi.

*See R.S. Shukla's letter to Dr. Rajendra Prasad, dated 28 December 1947, in Correspondence—
Part I

APPENDICES

PART I

1. Rajagopalachariar's resolution setting up the Union Powers Committee, as adopted by the Constituent Assembly of India on the 25th January 1947

CONSTITUENT ASSEMBLY OF INDIA

Whereas in paragraph 15 (i) of the Cabinet Delegation's Statement of May 16th, the subjects assigned to the Union Centre are generally and compendiously indicated under four broad categories;

And whereas an understanding of the scope of these subjects is necessary for the purpose of framing the Union and other Constitutions, of avoiding as far as possible overlapping and conflicts between the provisions in the Constitution relating to the Union and those in the Constitutions referred to in clause (v) of paragraph 19 of the Statement, and of bringing all the said Constitutions into line with each other;

And whereas it is necessary to draw up lists of matters included in and interconnected with the subjects assigned to the Union before the framing of the Constitutions referred to in clause (v) of paragraph 19 of the Statement is taken up for consideration;

This Assembly resolves:

(a) that a Committee consisting initially of the following members:

1. The Hon'ble Pandit Jawaharlal Nehru
2. Shri Sarat Chandra Bose
3. Dr. Pattabhi Sitaramayya
4. The Hon'ble Pandit Govind Ballabh Pant
5. Shri Jairamdas Doulatram
6. Shri Biswanath Das
7. The Hon'ble Sir N. Gopalaswami Ayyangar
8. Sir Tek Chand Bakshi
9. Sir Alladi Krishnaswami Ayyar
10. Shri D.P. Khaitan
11. Shri M.R. Masani
12. Shri K.M. Munshi

be constituted to examine the above matters and to report to the Assembly not later than 15th of April 1947;

- (b) that the President may add ten more persons to the Committee, and that the selection of all or any of these ten additional members be made at such time and in such manner as the President may determine;
- (c) that the quorum for the Committee shall be one-third the total number of members for the time being of the Committee; and
- (d) that casual vacancies in the Committee be filled as soon as possible after they occur by nomination by the President from among the members of the Assembly.

2. *Excerpt from a Government of India file dated 30 January 1947*

GOVERNMENT OF INDIA
(DEPARTMENT OF FOOD)

No. 445/47-H.M. (R)

Jamnagar House
New Delhi
January 30, 1947

I have received information that Miss Pearl Buck (the writer), who takes a great deal of interest in our food matters has a lot of influence with Mr. Clinton Anderson.

It will be of advantage, I think, if somebody who knows her wrote to her by air-mail and told her how badly off we are for wheat and what it means to the wheat eating North, and suggested her using her influence with Mr. Anderson.

The approach to Miss Buck cannot be official. It would not be right for a member of government to write to her, when Hon. Member himself has wired to Mr. Anderson.

Suggest Mrs. Pandit be requested to write to Miss Buck.

To H.M.

Yes--Mrs. Pandit may be asked. (Sd.) 30/1

Presumably you will approach Mrs. Pandit. (Sd.) 31/1

H.M. said he was going to write himself. (Sd.) 31/1

Mr. Abhyankar.* (Sd.) 31/1

*Abhyankar was the Private Secretary to Dr. Rajendra Prasad, Food & Agriculture Member

3. *Speech delivered by Dr. Rajendra Prasad while opening the Sixth All-India Cattle Show in Delhi on 10 February 1947*

Cattle have an importance of their own in our economy of life. We need milk and need it more than other peoples of the world because there is a very large proportion of our population which does not eat meat or any other animal product except milk or milk products. We need good, strong, hardy bullocks for agricultural purposes—for ploughing our land, for other processes in connection with agriculture, for lifting water for irrigation, for drawing carts for transporting goods and serving as conveyances. The problem of maintaining cattle of the requisite quality both for supplying milk and for supplying power is one which ought to occupy our attention. Its tremendousness will be apparent when we remember that India has the largest cattle population in the world. According to the last census, the total bovine population (cattle and buffaloes) in

1941 was 208.2 million including (a) 74.4 million adult females, (b) 68.5 million adult males, and (c) 65.2 million young stock of both sexes below 3 years of age. Of the adult females, about 5 million are not used for milk production, thus leaving about 69.5 million for milk supply, and the numbers of animals in milk and dry are about 35 million and 34.5 million respectively. Amongst the male population about 3 million are not used for any work. The number of bulls is about 1 million and that of bullocks about 64.5 million. The annual production of milk from cows and buffaloes is estimated at about 22 million tons or 6 crore maunds. This has to be increased at least threefold to meet the nutritional minimum which at about one pound a day per head of the population (8 oz. fluid milk and 8 oz. in the form of products like ghee, butter, etc.) works out at about 70 million tons and allowing for feeding of calves the total quantity required would be 80 million tons or nearly 21 crore maunds. Dr. Norman C. Wright calculated in 1937 the income from cattle as follows:

Milk and milk products	Rs.300 crores
Hides and skins	Rs.40 crores
Value of cattle labour	Rs.300 to Rs.400 crores

The cost or value of cattle manure is difficult to calculate but a provisional figure of 270 crores of rupees has been suggested. We get a correct perspective of these figures if we remember that the value of milk and milk products alone is roughly equivalent to the value of India's total output of rice and three to four times that of wheat. Dr. Norman Wright concludes that "in actual value the cattle industry contributes at a very rough estimate about 1,000 crores of rupees to the agricultural income of the country which has been assessed at a total of 2,000 crores of rupees. The potential value of cattle as a means of raising the level of fertility of the soil and of thus increasing the output of both cash and food crops is incalculable."

CATTLE FOR MILK AND DRAUGHT

The problem has thus a twofold aspect each of which has to be fully kept in view. We need milk and milk products and we need cattle for draught purposes. In towns and other places where human population is concentrated and agricultural and draught purposes are of less importance, milk supply is the more important, while in rural areas both aspects are equally important. As the population is becoming concentrated in towns and industrial areas which are growing up, the question of supply of milk to them is assuming an ever-increasing importance. On the other hand, in rural areas, while the question of increasing the supply of milk is not less pressing than in towns, there is no appreciable chance of mechanisation replacing the bullock as the chief source of power for agricultural and other purposes.

"India", in the words of Mr. R.A. Pepperall, "is not now in the position, nor is

there any immediate likelihood of conditions changing, to admit of the luxury of maintaining separate types of animals for milk and for draught. Therefore, dependence must continue to be placed on a dual-purpose kind of animal, the males of which are capable of meeting the agricultural and transport needs of the country whilst, at the same time, the females can be expected to yield reasonable quantities of milk." To support her dense population, India needs that output of agricultural produce per acre, which is lower than what it is in most other agricultural countries, should be raised and for this purpose the fertility of the soil must be maintained. "The development of agriculture", says Dr. Wright, "urgently required the dovetailing of the arable and animal husbandries into one mixed farming system." "Bulk mixed farming system", he continues, "would utilise not only the utilisation of all available manure but the cultivation of leguminous fodder crops which contribute so markedly to soil fertility. The fodder crops so grown would, in turn, provide an ideal source of food for cattle and particularly for milking purposes."

THREEFOLD PROBLEM

We have thus to consider the problem of cattle husbandry in relation to agriculture and milk supply and it is necessary to divide it into three parts:

- (a) the type of cattle best suited to our requirements with which is allied the problem of improving the breed,
- (b) the problem of feeding, and
- (c) the problem of diseases of cattle.

As regards the cattle best suited to our purpose, there are some breeds which yield much milk but not sturdy bullocks for draught purposes. It is these which have received much attention in our dairy farms, particularly the military dairy farms, where milk supply is naturally the dominant consideration. The present policy of the Government is to increase the number of good dairy cows and to maintain the quality of good work breeds while developing to the full what potentialities for milk production these work breeds possess. That they do possess these potentialities has been proved in the case of Kanakraj, Bachur, Gaolao and Hathkar breeds. The dairy breeds will be developed in the fresh milk zones around towns, but that must be done without endangering the quality of the country's work bullocks, which, it must be kept in mind, form the overwhelmingly most important livestock of the country.

IMPROVEMENT OF CATTLE BREED

For this purpose it is necessary to aim at improving the best of the established breeds where they exist and the grading up of nondescript stock with them. It has been found by experience that cattle which have flourished in a particular locality

have developed qualities which are best suited to that locality and therefore as far as possible the merits of local cattle should be discovered and they should be developed. Imported cattle, although of superior type, may, it is just possible, not flourish in new environments and on account of their superior quality the local cattle, which will necessarily suffer in comparison, may be neglected with the result that the imported cattle do not flourish and the local cattle get neglected. It is, therefore, necessary to find out the potentialities both in regard to milk yield and draught purposes of local cattle and encourage them. I may note, however, that some varieties have proved very successful in some cases even after being taken to environments which are very different from their original homes. For example the Sindhi has been found to flourish on the west coast in the South. I am mentioning this as an exception to prove the rule which is that it is the local breeds which should be patronised and improved.

In order to eliminate the perpetuation of the inferior stock it is necessary to take steps which, while not hurting the widespread susceptibilities of some communities, may still prove effective. That the value of bulls of good quality was understood and that our people in the past were able to develop different kinds of cattle with varying qualities can be gathered from books as also from the various types which were developed and which are still extant. A young calf which was to be dedicated as a Brahmini bull is described with meticulous care and its qualities which are mentioned are such as insured a bull of a very high quality. In course of time the principle underlying the dedication of Brahmini bulls has lost its meaning and only the form now remains. The result is that one just fulfils what is considered a religious obligation. Any kind of bull is dedicated which is certainly not what was intended by those who introduced this system. While on the one hand dedication of high quality bull was considered an obligatory duty by a pious Hindu at the time of the Shradh of his father, the Hindus also developed the system of sterilising the greater number of male calves and this was done in spite of the great prejudice which the Hindus have in favour of the cow and its progeny. Different systems of sterilisation prevail in different parts of the country even now and it is in a scientific development of activity on this line that the true remedy for elimination of low quality cattle can be found. There is no serious religious prejudice against castration and modern method has indeed this to recommend it that it is certainly less painful and less cruel than some of the methods which are widely prevalent in different parts of the country. It is, therefore, necessary to take action in two directions. In the first place the best quality bulls should be preserved and bred for breeding purposes and at the same time all other bulls should be sterilised by adopting castration. As to what quality of cattle is considered the best in particular parts of the country is a question which can be answered only by specialists and I believe the experiments which have so far been made and which are now being made will enable particular breeds to be developed in particular areas of the country. Improving breed is necessarily a long-term project and it sometimes so happens that while improvement may be introduced as a result of crossbreeding in the first and

second or third generation there is gradual deterioration thereafter. Care has, therefore, to be taken that permanent improvement is achieved. We know from experience that breeds have been developed for various purposes in the past. Thus there are some breeds which are good milkers but whose males are not efficient workers. Even amongst those that are good for work, different varieties have been developed in the past. Thus there is a variety which can do hard work, drag heavy ploughs and carts with heavy loads, but cannot go fast. On the other hand there are breeds which run fast but cannot work hard or carry heavy loads. These qualities were developed centuries ago as a result of judicious and selective breeding and perhaps feeding and there is no reason why we should not be able to develop breeds to suit our purpose, viz., the dual purpose of giving a reasonable supply of milk and good bullocks for work purposes.

I believe it is possible within a reasonably short time to eliminate the inferior quality of cattle without having to destroy them if only care is taken to prevent their multiplying which as I have said above can be done by sterilising the male. The poorer quality cows also have somehow to be sterilised. I do not know if any method has been discovered for doing that but we have to give up the temptation of getting what little milk we get of them and the poor bullock that they produce. If the gowshalas that are in existence or other organisations which may be created could take charge of all the poor quality cattle, their elimination without having to destroy them could be effected in a few years and I do not consider this to be an impossible task.

NEED TO PRESERVE GOOD QUALITY

We know that a very large number of our best quality cattle is destroyed every year. This is particularly true of the best milk yielders. They are purchased by private individuals as also by those who carry on milk business from the countryside and are removed to big cities when they are in milk. When they go dry it becomes burdensome for the private individual and even more so for the businessman to maintain dry cattle in cities. The so-called milkmen try to get the utmost out of the cow while she is in milk and for this purpose they not only remove the calf which takes his share of the milk but they also use various cruel and inhuman methods like the *phooka* for getting the utmost of the milk out of the cow. This has the effect of rendering her less and less fertile, if she is allowed to survive after the first lactation, and by the time she goes dry the milkman has taken enough out of the cow to cover not only the cost of her maintenance but also the capital invested in purchasing her. He can afford to sell her away to a butcher at a price which is more or less equivalent to the price of beef and the hide. In this way he makes a profit on his investment by selling the calf, by selling the milk and lastly by selling the cow and saves by not having to maintain her during the dry period. It has been calculated that the milkman in this way finds it more profitable to purchase a cow in the early period of lactation and to dispose her of as soon as she goes dry. It is profitable to the individual but it is obviously a

very serious loss to the country at large which is in this way denuded of the best quality cattle in the country. To prevent this waste it is necessary to make it worthwhile for the milkman to save the calf as also the cow when she goes dry. The calf can be saved if arrangement is made for acquiring it from him by some organisation which may be a private concern or a public institution, and bringing it up until it becomes either a cow or a bullock. The cow can be saved by making arrangements for maintaining her during the dry period cheaply at some distance from the city where she can be looked after without deteriorating her quality. It would be necessary to establish farms for dry cattle where they can be fed cheaply and arrangement could be made with railways or other transport organisations for taking them to and back from such farms at a small cost. I am glad that this is being taken up in some places and such farms are being started and the Government is helping them.

PROBLEM OF FODDER

One problem which is a vital problem is of sufficient and nutritious fodder. At present in spite of the so-called reverence which Hindus and others have for the cow their cattle are underfed and are kept in conditions which cannot compare with those of countries where people have no such reverence but keep them well, even though they are slaughtered for food and other purposes. It is a scandal which has to be removed and any effort in that direction will not succeed unless and until maintaining cattle becomes an economical proposition. I believe this is possible and can be achieved but it requires a little forethought and getting over certain prejudices which hinder our progress in this connection.

Fodder presents a formidable difficulty and yet it is not insoluble. What is called mixed farming is the solution. Our economy is such that land, man and cattle should be so organised as to create a natural balance. We must understand that land cannot give us more than a certain quantity of grain or any other produce. Man's ingenuity can increase and has succeeded in increasing it but there is a limit to that. Natural economy requires that whatever is taken away from the earth is somehow or in some way restored to it to maintain its fertility and yielding capacity. Agriculture carried on in a way which restores what it takes out of the land is ideal arrangement. We cannot go on drawing out of land without putting something back into it in a different way. This can be seen in any field which is cultivated. If some countries like India and China have gone on producing crop year after year since time immemorial, it is because this economy has been maintained. It is necessary that it should be maintained if in the course of time vast tracts are not to cease to yield produce and become deserts. Cattle play a very important part in this economy and it is for man to so arrange his affairs that land supports the cattle and man and they in their turn restore to the land what they take from it. The system of manuring and rotation of crops is as old as the hills in India and is based on this sound principle.

NEED TO INCREASE MILK SUPPLIES

The threefold problem of more milk, better cattle and sufficient fodder for cattle has to be tackled. The total annual production of milk is estimated at about 23 million tons, which varies from Province to Province and is not by any means uniform throughout the country. The daily per capita consumption of milk products is estimated at 5.8 ounces for India, which is the lowest among the civilised countries of the world. This per capita consumption also varies from place to place as it is only about 1.2 ounces in Assam as against 22 ounces in Sind. The quantity considered necessary from a nutrition point of view is 8 ounces of liquid milk and 8 ounces of milk to be consumed in other forms, or 16 ounces per head. It is, therefore, necessary that the total milk production in the country should be increased threefold, that is, from 23 million tons to 70 million tons a year, which should be the ultimate target. The necessary increase will have to vary from Province to Province as the per capita production and consumption varies today. To bring about this increase is a tremendous task and calls for a concerted effort. It is bound to be a slow process and will depend upon the adoption of sound cattle husbandry processes which will mean better breeding, feeding, and management of cattle. As has been stated above, the increase in production has to be spread over both rural and urban areas. The urban programme will necessitate concentration, whereas the rural programme means better breeding, feeding, and better management in numberless homes and farms of individual agriculturists. Although reaching the target mentioned above is a long-term programme, it is possible within a comparatively short period, say, of 10 years, to achieve perceptible results. Milk is most required by the vulnerable group of the population such as children of school-going age and expectant and nursing mothers. If they are calculated to be 25 per cent of the total population and if the level of nutrition in the form of milk for them is to be put at one pound per head per diem, the quantity required will be in the vicinity of 17½ million tons per annum. Taking into account the per capita share out of the milk produced and consumed today, the additional quantity required to meet their needs would be about 12 million tons annually and this means an addition of about 55 per cent to the present output of the milk of the country today. If within the next 5 years we can increase our milk production, say, even by 30 per cent, it would be an effective contribution to the nutrition of the country. To reach this target we have to depend upon improving the breed and supply of sufficient nutritive fodder. There are 70 million cows in the country requiring the services of 1 million good bulls, or an annual supply of about 2.5 lakhs. These can be produced theoretically from 6 lakhs of good cows served by about 10,000 superior quality bulls. It is therefore necessary to aim at the maintenance of the basic stock of 20,000 to 24,000 cows in the breeding farms so that 10,000 really superior bulls will be maintained as stud in the villages. There are at present 59 Government and semi-Government farms, excluding military farms, carrying some 6,500 cows. The development plans are framed to increase the number of farms by 87 to carry

13,700 cows and thus attaining the necessary minimum total of 20,000. To effect real improvement it is necessary to test the progeny for their quality. As the bulls are passed from the farm to the country for multiplication they must be used for cows which are at least not below the average quality, and the placing of the bulls must be concentrated and consistent so that the improvement effected in one generation by a farm bull is not counteracted in the next by a scrub bull.

ARTIFICIAL INSEMINATION

As it is likely to take a long time in producing the number of bulls that is required the process of artificial insemination has been thought of to enable one bull to serve the purpose of as many as, say, 10 bulls and thus to reduce the number of bulls required. Experiments have been made not only in other countries, but also in India and it has been now more or less established that we can really get as good results from artificial insemination as from natural process of generation. It has not, however, become quite popular. There are at present 5 centres at Izatnagar, Calcutta, Dacca, Patna and Bombay, where arrangements are made for artificial insemination and wherever it has been introduced it has found favour with the cattle owners. Centres like these require to be established in numerous other places. It not only reduces the number of quality bulls to, say, one-tenth of that required to serve our needs, but also brings about a rapid improvement in the quality of our cattle and incidentally improve milk production by shortening the dry period of our cows.

CATTLE DISEASES

In this connection it is necessary also to remember that enormous wastage of livestock takes place on account of contagious diseases, especially rinderpest. It is estimated from what figures are available that some 2.2 million maunds of milk are lost each year and perhaps as many as $3\frac{1}{2}$ lakhs of bullocks from rinderpest alone. It is satisfactory to note that a reliable vaccine has been made available by the Indian Veterinary Research Institute, Izatnagar, which can confer immunity against the disease at a small cost which comes to less than annas two per inoculation. The total elimination of rinderpest has thus become feasible and it is really disappointing to note that while the vaccine prepared at Izatnagar is in demand in foreign countries it has not yet reached the stage of popularity it deserves in our own country. I trust a vigorous campaign shall be adopted wherever this fell disease is or is likely to be prevalent.

As I have already stated above, the pedigree bulls should be bred mainly for the purpose of giving us the dual-purpose cows and bullocks. In this connection it is necessary to remember also that while establishment of large dairy farms is necessary in and near cities we have to devise methods which would make easy the rearing of good quality cattle by cultivators in rural areas in general. Perhaps some sort of cooperative farming might prove helpful, but it will take

time to develop it. In the meantime we cannot afford to allow the present unsatisfactory state of affairs to continue. With judicious and vigorous propaganda it is possible to instruct the agriculturists in the latest and most scientific methods of cattle husbandry and for this purpose the lower forms of schools where the children of agriculturists come for instruction might be utilised. Broadcasting has a great future and as it advances and becomes more and more widespread it might be utilised for giving instruction to rural areas in this as also in so many other matters which concern them relating to health, education and agriculture. Animal Husbandry organisations might also organise lantern lectures bringing home to them the value of improvement in cattle husbandry, giving more milk and better bullocks.

BETTER CATTLE FEEDS

But no scheme aiming at improvement in the milk yield or better bullocks can be successful unless there is sufficient nutritious food available for our cattle. It has been suggested, and I think rightly, that it is possible to improve the milk yield considerably without improvement in the breed by giving sufficient and more nutritious food than is given to our cattle today. Experiments have been made and it is the common experience of all who have made the experiment that a great deal more milk can be had from our existing cows if we give them sufficient food. As things stand, not more than 60 per cent of requirements in fodder are available today and only a quarter of the concentrates needed. While working for the production of food for man it should be possible to develop the sources of cattle feed. The economy of agriculture requires that while the grain obtained out of agriculture is used for human food the leaves and stalks of the plant are used for cattle feed and I think it is possible even now to so arrange our agriculture as to get sufficient cattle feed on the one hand and sufficient grain on the other. There may be an apparent conflict between man and his cattle inasmuch as both make a demand on land, but I think with good management the conflict may be avoided. As grain production increases there is a proportionate and *pari passu* increase in the fodder available for the cattle, inasmuch as the leaves and stalks increase with the increase in grain production. In so far as concentrates are concerned, any increase in the production of oilseeds implies an increase in the production of oilcake which is perhaps the most important concentrate food for our cattle, provided oilseeds are not exported, but are all crushed in the country and the oilcakes made available for our cattle. The quantity of land used for growing fodder varies considerably from Province to Province. With the increase of population there is bound to be a tendency to bring in more and more of this land which is now used for fodder growing into cultivation for food crops. Improvement with the help of manures in the productive capacity of land is likely to help equally its capacity to produce increased fodder; and just as in the case of food crops, so also in the case of fodder, we have to depend more and more on intensive cultivation.

FODDER STORAGE

Another thing which has to be borne in mind is that there are seasons when we have more fodder than our cattle can consume, which are followed by seasons when there is not enough fodder available for them. It is therefore necessary to arrange preservation of the surplus fodder for the lean season. Our agriculturists know the art, but in this, as in other respects, cheap improved modern methods of preservation have to be brought home to them. I have seen expensive methods of preparing silage which requires masonry tower requiring cost which the average agriculturist cannot afford; but I have also seen a very cheap method of preserving grain in pits and trenches dug underground. I believe that if grain can be preserved in *khads*, as they are called in many parts of the country, without being damaged by moisture or vermin there is no reason why fodder could not be preserved in the same way. There is an immense quantity of grass which grows wild in many parts of the country. If all that could be salvaged and preserved in the form of either silage or hay it would go a great way towards solving our fodder problem.

Then there are crops of fodder like Barseem which not only help the cow in giving more milk but also improve the fertility of the soil. If such fodder crops could be grown in rotation they would help the fertility of the soil for food crops and at the same time also help to increase our fodder supply.

Our forests, if well managed, can not only give plenty of timber, but also help in the solution of our fodder problem to a not inconsiderable extent.

CATTLE RESEARCH

I have taken the opportunity of indicating some of the lines which could be adopted for increasing our milk supply and improving our cattle. Research is being carried on in our institutes and dairy farms in respect of matters concerning agricultural development and animal husbandry. The results of these researches have to be made known to our numberless agriculturists all over the country. They can be of value only if they are able to suggest methods which are within the means of those for whom they are intended. India was at one time a land which was said to be flowing with milk and honey. In the Hindu Puranas there is reference to an ocean of milk. The whole legend of Shri Krishna's early life revolves round cows and milk. The wealth of the individual or of the community was at one time measured in terms of the head of cattle that the individual or the community possessed. It was not mere religious sentimentalism but shrewd, hard calculating economics of the times that dictated the respect in which the cow and her progeny came to be held. As in so many other things, this economic scheme was given a religious covering which today has lost its real meaning and offers only occasions for communal conflict. We have to lift the question of animal husbandry from this rut and put it in its correct environment which is no other than a purely economic environment. Bovine species is essential for our life and it

must be made apparently and demonstrably economic to maintain and improve it. This can be done, as I have said, by mixed farming, by improving the breed of our cattle, by increasing our fodder supply and concentrates. The value of an exhibition like the one which I am going to open lies in the fact that it enables the visitors to see with their eyes the improvement that can be effected and that has, as a matter of fact, been effected and I trust that this exhibition will give at least to some of us the incentive to look after our animals better so that we may get more milk and better bullocks.

4. Proceedings of a meeting of the Union Powers Committee held on 2nd, 3rd and 4th March 1947

CONSTITUENT ASSEMBLY OF INDIA
(UNION POWERS COMMITTEE)

CONFIDENTIAL

The Union Powers Committee met on the 2nd, 3rd and 4th of March. Pandit Jawaharlal Nehru was elected Chairman. In the absence of Mr. Sarat Chandra Bose, Dr. Syama Prasad Mookerjee was present by special invitation.

2. The Committee considered the scope of Union powers in accordance with the Cabinet Delegation's statement of the 16th May 1946 and came to the following provisional conclusions:

Defence. "Defence" means the defence of the Union and of every part thereof and includes generally all preparations for defence as well as all such acts in times of war as may be conducive to its successful prosecution. In particular, "Defence" includes

- (1) The raising, training, maintenance and control of Naval, Military and Air Forces and employment thereof for the defence of the Union and the execution of the laws of the Union and its units;
- (2) Defence industries;
- (3) Naval, Military and Air Force works;
- (4) Local self-government in cantonment areas, the constitution and powers within such areas of cantonment authorities, the regulation of house accommodation in such areas and the delimitation of such areas;
- (5) Arms, firearms, ammunition and explosives;
- (6) Atomic energy, and mineral resources essential to its production.

In addition to the above particulars, there should be a section in the body of the Constitution on the lines of sections 102 and 126-A of the Government of India Act, 1935, the object of which, broadly speaking, is to give the Union plenary

powers whenever its security is gravely threatened.

3. *Foreign Affairs*. "Foreign Affairs" means external relations of the Union and in particular includes the following subjects:

- (1) Diplomatic, consular and trade representation.
- (2) United Nations Organisation.
- (3) Participation in international conferences, associations and other bodies and implementing of decisions made thereat.
- (4) War and peace.
- (5) The entering into and implementing of treaties and agreements with other countries.
- (6) Trade and commerce with foreign countries.
- (7) Foreign loans.
- (8) Naturalisation and aliens.
- (9) Extradition.
- (10) Passports and visas.
- (11) Foreign jurisdiction.
- (12) Admiralty jurisdiction.
- (13) Piracies, felonies committed on the high seas, and offences committed in the air against the law of nations.
- (14) Admission into, and emigration and expulsion from, Union.
- (15) Port quarantine.
- (16) Import and export across customs frontiers as defined by the Union Government.
- (17) Fishing and fisheries beyond territorial waters.

4. *Communications*. The scope of "Communications" was defined as follows: Communications and, in particular, the following:

- (1) Airways.
- (2) Highways and waterways declared by the Union to be Union highways and waterways.
- (3) Shipping and navigation on inland waterways, declared by the Union to be Union waterways, as regards mechanically propelled vessels, and the rule of the road on such waterways; carriage of passengers and goods on such waterways.
- (4) Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.
- (5) Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

- (6) Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.
- (7) Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.
- (8) Aircraft and air navigation; the provision of aerodromes, regulation and organisation of air traffic and of aerodromes.
- (9) Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft.
- (10) Carriage of passengers and goods by sea or by air.

5. *Finance.* The expression "the powers necessary to raise the finances required" for the Union subjects, in the Cabinet Delegation's statement, was held to authorise the imposition of the following taxes by the Union:

- (1) Duties of customs, including export duties.
- (2) Excise duties.
- (3) Corporation tax.
- (4) Taxes on income other than agricultural income.
- (5) Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies.
- (6) Duties in respect of succession to property other than agricultural land.
- (7) Fees in respect of any of the matters in the list of Union powers, but not including fees taken in any Court.

6. The Committee also considered the scope of implied powers and came to the conclusion that the following powers fall within this category:

- (1) Union judiciary.
- (2) Acquisition of property for the purposes of the Union.
- (3) Union agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.
- (4) Census.
- (5) Offences against laws with respect to any of the matters in the list of Union powers.
- (6) Enquiries and statistics for the purposes of the Union.
- (7) Reserve Bank of India.
- (8) Property of the Union and the revenue therefrom.
- (9) Public debt of the Union.
- (10) Currency, coinage and legal tender.
- (11) All subjects in respect of Union areas.

7. The Committee considered that the following subjects should also be included in the Union List, but where exactly they should come in was left to be

discussed later:

- (1) The recognition throughout the Union of the laws, the public acts and records and the judicial proceedings of the state.
- (2) Quarantine—the prevention of the extension from one unit to another of infectious or contagious diseases or pests affecting men, animals or plants
- (3) Patents; trade marks; trade designs; copyright.
- (4) Planning.
- (5) Powers to deal with grave economic emergencies.

8. The Chairman said that the conclusions reached at the meeting were purely provisional and would have to be considered again. There was also the possibility of some overlapping between those lists and the list of fundamental rights. It was, therefore, decided that the Union Powers Committee should meet immediately after the Fundamental Rights Sub-Committee and possibly have a joint meeting with that Sub-Committee.

H.V.R. Iengar
Secretary

5. Interview given by Mahatma Gandhi to Dr. Rajendra Prasad at Patna on 5 March 1947

Gandhi told him that he was not yet ready with his plan. On one or two points, however, he had come to a definite decision. He would allow Muslim concentration under certain conditions but he would neither give arms nor Muslim military and police. Instead, he would give them effective protection. Dr. Rajendra Prasad agreed.

6. Mahatma Gandhi's discussion with Dr. Rajendra Prasad and Bihar Ministers on 5 March 1947

We should make a public confession of our mistake. No commission of inquiry has been appointed to date. If we are not quick about the matter, it will lose its effect. If we do not appoint a commission, we shall be held to have admitted the League's case.

The Chief Minister, Sri Krishna Sinha, expressed the fear that the League would make political capital out of it. Gandhiji admitted that that was not improbable. But justice never paused to consider if it would be exploited.

GANDHIJI: My sixty years' experience has taught me nothing if not that. That is also the lesson of my three months of travail in Noakhali. I was groping in

the dark but I said just what seemed to me to be the truth. Those who regarded me as their enemy could exploit it. But I had faith that sooner rather than later they would see their mistake. Be that as it may, my only strength lies in my ahimsa. The same applies to you also. If you grasp that, you will get over your fear and, undaunted by extraneous considerations, do justice.

Again and again Gandhiji tried to clear his old friend of unmerited suspicion. Dr. Mahmud's letter which had brought him to Bihar was in reply to his (Gandhiji's) peremptory inquiries; the Doctor had not acted disloyally towards his colleagues. Dr. Rajendra Prasad explained that there was really no difference. The Bihar Ministers were never opposed to Gandhiji's coming earlier. But they had judged that the situation might call for the employment of drastic measures; how could they call Gandhiji in that context? The Chief Minister put in that they had never tried to "minimise" the atrocities.

GANDHIJI: From what I have been hearing, it seems to me that the Bihar massacre was like the Jallianwala Bagh massacre. Dr. Mahmud's wife today brought some Muslim women to me. I had no reply to their tears.

7. Speech by Mahatma Gandhi at a prayer meeting at Patna on 5 March 1947

Gandhiji apologised for having come in a motor-car instead of walking to the prayer meeting. This was, he said, a reflection on the Biharis who should know the art of welcoming people in a quiet and dignified manner instead of the present embarrassing manner. They should have had consideration for his old age, he said, and spared him the shouts, however well-meant they were, but which were too much for his ears.

He complimented the vast audience on their exemplary silence, but expressing his regret over their half-hearted participation in chanting the Ramdhun, he said:

An earnest prayer is very effective. If God is a Power, which indeed He is, then people must pray. Devotees of every religion pray according to their practices in their respective places of worship. It would be more beneficial if all of them prayed together in a common congregation.

It would be terrible if people shout 'Victory to India' and work for her annihilation. Such action will bring no glory to India. If we wish victory for India, we ought to work to that end. If we merely repeat 'Jai Hind' or 'Sitaram' without the appropriate sentiments it would be mere parrot-like repetition. Please do not think that I do not want victory for India. In fact I have staked everything I possess for the sake of bringing glory to India.

I am visiting Bihar after many years. It is not as though I did not wish to come earlier. It was Bihar that made me known to the whole of India. No one knew me earlier. I had almost become a Negro after staying in Africa for twenty long years. Then I came to Champaran and the entire country woke up. Earlier I

did not even know the location of Champaran; but when I arrived here I felt as if I had known the people of Bihar for centuries and they too seemed to know me.

This Bihar of ours has today committed a heinous crime. The atrocities perpetrated on a handful of Muslims have no parallel, so say the Muslims, in the annals of history. I too have read some history. I know that the world has witnessed greater brutality by man on man. But it is no use repeating them here. We must not compete in doing evil and that too against whom? Those who cry for avenging Noakhali in Bihar do not know the meaning of vengeance. Is it manliness to return barbarism for barbarism? We ought to overcome violence by love.

At present I have no evidence to say that Congressmen have committed these crimes. Tomorrow I may have to admit so. I must, however, say that Bihar has sullied the fair name of India. When I heard in Noakhali the reports of atrocities committed in Bihar, I decided to undertake a fast. It had been reported to me that some Congressmen had a hand in these crimes. It would be wrong even today to say that there was not a single Congressman involved in the mad upheaval. In India the Congress has to accept the responsibility for the misdeeds of all communities and all individuals. I had claimed in London on your behalf that the Congress represented the whole of India by right of service. Hence any sin committed by India comes to the door of the Congress. You who are listening to me may not have done any evil, yet you have to accept the responsibility. I have become hard-hearted now. I have not come here to shed tears or to make you cry. I would rather wish to steel your hearts. I could make you cry if I chose. But I do not wish to do so. We should not disown responsibility by saying that our hands are clean. India consists of many communities. We have the tribal people among us. We are responsible for them as well. If we disown responsibility for them, we have no right to claim that India belongs to us.

The way to achieve independence consists in all Indians saying with one voice that unless they gave to the whole world all that was good in them, their survival would be meaningless. Are we going to compete in (making) atom bombs? Are we going to match barbarism with even more barbarous acts? India has placed before the world a new weapon. I adopted the way of non-violence in 1920-21. We have been insisting that we will attain independence through non-violence. I do not claim that all Indians have accepted non-violence as a matter of creed. But even when we accept anything as a matter of policy, it becomes our duty to act upon it.

Dr. Rajendra Prasad told me today that some people believed that the Bihar riots had arrested the crimes in Noakhali, otherwise Hindus everywhere would have suffered a similar fate. This is not correct. If Hindus had to suffer similar atrocities everywhere I would say that they were a cowardly lot. Who can frighten a person who has shed all fear? While touring in Bengal I used to tell the people that Hindus as well as Muslims of Noakhali had admitted that the miscreant was a coward and the victim who feared him a greater coward. Those who are under the illusion that Bihar has saved other people by committing these barbarities are

talking nonsense. This is not the way to attain freedom. If Muslims believe that they would annihilate the Hindus or if Hindus believe that they would annihilate the Muslims, I should like to ask them what they would gain thereby? Muslims will not serve Islam if they annihilate the Hindus; rather they would thereby destroy Islam. And if the Hindus believe that they would be able to annihilate Islam it means that they would be annihilating Hindu dharma.

I consider myself a follower of Islam, Christianity, Zoroastrianism and every other religion because I am a true Hindu. All religions are equal and they are founded on the same faith. Various religions are like different leaves on the same tree, with slight differences in shades and shapes. Scriptures have said that one who condemns other religions, condemns one's own religion. I consider myself a representative of all the true religions.

We should not gloat over the massacre of Muslims by Bihar Hindus. There can be no greater shame for India. Dr. Syed Mahmud told me that this had brought humiliation to him and to all Congressmen. He wrote to me to come and see the madness in which the people of Bihar, who claim to follow me, were indulging and asked me to stop their madness. Earlier I had wondered what I could do by coming here but Dr. Mahmud's letter compelled me to come here. The Hindus of Bihar have committed a grave sin. They will raise the head of Bihar much higher if they do honest reparations, greater in magnitude than their crimes. There is an English saying: "The greater the sin, the greater the saint." I went to Noakhali with the determination to do or die. I have come here with the same resolve. If our thoughts are not right our actions are bound to go wrong. As soon as there is an opportunity, we commit a crime. Why should all of us not unite? After all we are servants of the same God, by whatever name we may call Him. We may call Him Rama or Rahim, Krishna or Karim.

I had also been summoned to Delhi. "Come here," they said, "what are you doing in Noakhali? We need you here." But I did not leave Noakhali. But when I received Dr. Mahmud's letter regarding Bihar, I came over here. Muslim Leaguers used to abuse me and say, "Go to Bihar". It had no effect on me. But how could I ignore Dr. Mahmud's appeal? I felt that I would become worthless if I did not go to Bihar even now. When I came and saw the conditions here I realised that we had, indeed, committed a great sin here. It is our duty to atone for our sin and do reparations. Those who have committed these misdeeds have done great harm to India. Those who think that this massacre in Bihar has saved India are really mad. This is not the way to free India; such methods would delay the day of India's deliverance. May God grant us wisdom as Manubehn has just now sung before you.

8. A Note by Sir B.N. Rau, dated 9 March 1947

I saw the Hon'ble the President this morning, as he was anxious to discuss what we should do now in view of the Prime Minister's statement of February 20,

1947, and the subsequent developments.

Assuming that the Muslim League does not change its decision not to participate in the Constituent Assembly, the position will be that any Constitution that may be framed by that Assembly will not be binding upon the "unwilling parts" of the country. How these unwilling parts will be determined and what Constitution they will have is at present unknown. One thing, however, seems to be reasonably certain in view of the statements of December 6 and February 20, the debates in the House of Parliament and the Congress Working Committee's resolution, namely, that there will be some kind of division of India. If so, the task of framing a new Constitution with all its immense mass of detail will be a formidable one. The defence forces will have to be divided, the all-India civil services will have to be redistributed, railways and, speaking generally, property and liabilities of all kinds, will have to be apportioned. Agreements with the Indian States will have to be revised and renewed whether with one part of India or the other or with both. There will also have to be agreements between the new parts of India *inter se* relating to defence, customs, currency, income-tax and other matters of common concern. Boundaries between the new parts will have to be determined, perhaps by a Boundary Commission; if there is to be adult franchise, machinery for the new legislatures will have to be got ready; and a multitude of other details will have to be settled. It is doubtful, to say the least, whether all this can be completed before June 1948. If it is not completed before the date named, to whom is power to be transferred?

The separation of Burma was a simpler affair, but I remember working unofficially on some of the details as early as 1934, although the actual separation did not take effect until 1937. A great simplifying factor in the Burma problem was that His Majesty could make readjustments from time to time by Order in Council, if any unforeseen difficulties arose after separation (see ss. 158-160 of the Government of India Act, 1935, and ss. 134-137 of the Burma Act). No such expedient will be possible now.

The transfer of power necessarily implies the existence of regular organs of Government to exercise the transferred power. In other words, there must be a government of some kind—it may be only a provisional Government—to receive that power and to exercise it in accordance with some kind of Constitution—it may be only a provisional Constitution. Indeed, if the final constitutional structure is not ready before the due date, we shall have to have a provisional Constitution and a provisional Government. We may, if we choose, have a chapter headed "Transitional Provisions" in the new Constitution and put the provisional Constitution into that chapter. In fact, we are still governed by the "Transitional Provisions" in Part XIII of the Government of India Act, 1935, which is a warning that a provisional Constitution may last longer than we think.

Let us now consider the nature of this provisional Constitution. *Ex hypothesi*, the ultimate Constitution providing for all the parts of a divided India may not be ready on the due date; if it is ready, there is of course no difficulty. But we are

proceeding on the assumption that it may not be ready in the time prescribed. What then? Obviously, if a Constitution for a divided India is not ready, we shall have to have a provisional Constitution for an undivided India. In other words, the provisional Constitution will have to be that of a single Federation embracing the whole of what is now British India. This is the first point.

Another point also seems inevitable. Since the "unwilling parts" have not yet declared whether they would like to have independence within or without the British Commonwealth, the provisional Constitution, which, as already pointed out, has to apply to these parts as well as others, will necessarily have to be that of a Federation enjoying independence within the British Commonwealth—in other words, enjoying full Dominion Status.

The third point that emerges from the debates in Parliament is that even for the transfer of power to a provisional Government, H.M.G. will require a fair measure of agreement between the different parties in India. Presumably, that agreement will be easier to obtain so far as the Muslim League is concerned if an ultimate division of India is provided for and if it is made clear that the provisional Government is only for the interim period, during which the ultimate Constitution is being hammered out. Be that as it may, H.M.G. obviously expect some degree of agreement, judging from Cripps's speech in the House of Commons:

In our statement of December 6, we stressed the fact that if a large section of the Indian population had not been fully represented in the Constituent Assembly, we could not accept the forcing of *unwilling Provinces* into a united Indian Government if they have not been represented in the making of the Constitution. To that principle, which has the assent of the Congress we understand, we adhere and if it should eventuate that a large group of Provinces—but not all—agree upon the form of Constitution, then it may be necessary to hand over separately in areas which have not been fully represented.

We shall have to consider in what way this can best be done to meet the best interests of the Indian people. The position is, however, sufficiently uncertain at this stage to make it impossible now to forecast what will be the wisest action to take when the time comes to make a decision. The only way to remove this uncertainty is to get agreement of the Indian communities as to what it is they wish us to do. We can hardly be accused of vagueness or uncertainty when the Indian communities themselves cannot come to any common agreement.

In other words, the uncertainty as to the transfer of power in the absence of an agreed final Constitution is to be removed by agreement, which can only mean that there must be at least an agreed provisional Constitution.

We shall, therefore, have to face the difficulty of framing an agreed provisional Constitution as for a single Federation with Dominion Status. The Muslims fear

Hindu domination at the Centre, while the Hindus or the Hindus and the Sikhs fear Muslim domination in some of the existing Provinces. Whatever provisional Constitution may be devised will therefore have to be such as to reduce these fears on opposite sides to a minimum.

And such a provisional Constitution will have to be got ready before June 1948. If follows, therefore, that side by side with the framing of the ultimate constitutional structure, we shall have to take even more urgent steps towards framing a satisfactory provisional Constitution.

For the purpose of facilitating the framing of the final Constitution, it may be of assistance if a questionnaire bearing on the salient features of the Constitution were sent round to all the members of the various legislatures. They would be requested to send in their answers before April 10, 1947, so that we might be in a position to tabulate the answers before the next session of the Constituent Assembly. I have already taken in hand the preparation of such a questionnaire and hope to issue it in the course of the next few days. As most of the legislatures would be in session, we should be able to get into touch with the members quickly and they would have about a fortnight in which to send in their answers. It is, of course, possible that a good many members will not be able, or will not care, to answer the questions; even so, the answers of the others may supply us with sufficient material in the light of which to prepare a draft of the new Constitution. A draft so prepared is more likely to find acceptance when it is subsequently circulated to the Provinces and we may thus save valuable time.

I am also trying to prepare the outlines of a provisional Constitution fulfilling as far as possible the various conditions mentioned above.

The President's idea is that at the end of the next session of the Constituent Assembly, it should divide up into Sections and the Sections should frame the Provincial Constitutions for each of the Provinces included therein before, say, the end of June. Assam may take a little longer because of the preliminary touring in the tribal and excluded areas that will be required. Sections B and C will be functioning under obvious difficulties and the Constitutions they frame for some of their Provinces may not be regarded as valid. But, in any case, it may help the Sections in their task to have before them the answers to the questionnaire. Assuming that the Sections will be ready with their drafts of the Provincial Constitutions before the end of June or the middle of July; it may be possible to have the complete Constitution, including the Union portion, before the end of September. It may also be possible to have a draft of the provisional Constitution ready before the same date. These are all rough forecasts which have emerged from this morning's discussion with the President.

B.N. Rau
Constitutional Adviser
9.3.1947

The Hon'ble the President.

9. *Mahatma Gandhi's discussion with Congress workers at Bir on 19 March 1947*

Shah Uzair Munimi, President of the District Congress Committee, described the devastation in Patna district. According to him the district of Patna was the worst-hit in Bihar. After listening to his report, Gandhiji said: "What should we do now? Have you thought of something?" Shah Saheb replied that if they could get even a few honest men, things could be set right. Thereupon Gandhiji asked:

"Is it or isn't it a fact that quite a large number of Congressmen took part in the disturbances? I ask this question because people are making this allegation. But the Congressmen assembled here can themselves tell the truth. How many of the 132 members of your Committee were involved? It would be a very great thing if all of you assert that none of you was involved. But this assertion cannot be made. These 132 are supposed to be the elected representatives of the people. But I learn there is a lot of fraud involved in this. There are many in the Congress who register bogus members by paying four annas from their own pockets and thus become elected representatives. I have also worked in the Congress. Today I am not even a four-anna member. But there was a time when I was a member of the Working Committee and I was virtually all in all. Hence I know the Congress inside out. The police station has jurisdiction over 300 villages which have elected 132 representatives. They can do substantial work if they so choose.

"I wish to ask you, how could you live to see an old woman of 110 years being butchered before your eyes? How could you tolerate it? I do not wish to talk about anything else. I have vowed to do or die. I will not rest nor let others rest. I would wander all over on foot and ask the skeletons lying about how all that had happened. There is such a fire raging in me that I would know no peace till I have found a solution for all this. You know what happened when I reached Sodepur. I had not gone there for rest. Hence I left for Kazirkhil and Chaumuhani. Chaumuhani is a big station. What was the use of waiting there? Kazirkhil had been devastated. But the station-master there had transformed it into some sort of an ashram. So I requested him to take me to some place where there were no amenities. Hence I proceeded to Srirampur. It was a predominantly Muslim area with only a sprinkling of Hindu houses which had been burnt down. The Muslims welcomed me. Even then I hurried from there and wandered from village to village. I am afraid I will have to go through the same ordeal in Bihar. If I find that my comrades are deceiving me, I will be furious and I shall walk barefoot on and on through hail or storm. I would throw away the soft seat and other amenities which you have offered me. After all, it was in Bihar that I had renounced similar comforts earlier. When I came to Champaran in 1917, though Rajendra Babu and other leaders were my friends, they used to have their meals in separate kitchens. I asked them why we should eat separately when we were all engaged in rendering service. Then I set up a common kitchen. My wife Kasturba, Mahadev Desai's wife Durgabehn, and Narahari Bhai's Manibehn all of them together used to cook and all of us had our meals together. I would never

get more loyal and hearty cooperation in the whole world than what I got from Rajendra Babu, Brijkishore Babu, Janak Babu, Dharani Babu and Gorakh Babu. As a result of this there was a transformation in Champaran. The British indigo planters lost their hold. But I am told the Indian planters today have become even more powerful. The lesson we learnt in Champaran was the result of the hardships undergone by the people of Bihar. Without them I could not be what I am nor could my achievements be worth much. I am a bird of passage. God has not allowed me to stay at one place. We have to work in the same spirit today with which Brijkishore Babu had worked. Today I do not find that honesty or loyalty. I once again appeal to you to work only if you can do so truthfully. My words may sound harsh, but you must realise that even if you forsake me, I shall not leave Bihar. It is difficult to force me out of Bihar. During the Champaran satyagraha, the Commissioner of Tirhut notified me that I, being an outsider, should leave the area. I told Brijkishore Babu and Rajendra Babu that I wished to challenge the Government and that they would have to give up their legal profession and become my clerks or interpreters if they decided to back me up. I gave them a night's time to think it over. Rajendra Babu had been offered a judicial post. But the next morning itself he and Brijkishore Babu announced that they had decided to give up their legal practice and to become my clerks and interpreters. The Bihar of today is the result of the transformation of their hearts. It is now for you to decide whether I should go in the car or travel on foot. Of course I prefer walking. When Muslims in Noakhali taunted me to go to Bihar, I used to feel hurt. Some Muslims look upon me as an enemy of Islam. Some people expressed doubts whether I could achieve what I wanted to in Noakhali. But I had no doubts. Even today I believe that I can work for Noakhali and the whole of India from Bihar. The non-violent fight which I had launched against injustice and oppression in Champaran had sent new life pulsating throughout India. The work in Bihar this time is far more difficult and significant. This time it seems I will have to strive to the utmost to prove that Hinduism and Islam can exist side by side. This is being put to test today. Many people believe that they cannot and one will have to remain subordinate to the other. I do not think so. If the Hindu Mahasabha insists that Muslims should remain subordinate to Hindus or if the Muslim League insists that Hindus should subordinate themselves to Muslims, this will not do. No one need live as subordinate to another. All have to live together as equals. Even Jinnah Saheb has now declared that the minorities will be shown greater consideration in regions where Muslims constitute the majority."

Q. All people lived like brothers in Bihar before the trouble started in Bengal. Later on Noakhali turned everyone's head. The events in the Punjab are also casting their shadows. It is necessary that we go and live among the people to prevent the outside evil influence from spreading and to maintain cordial relations. But today many Congressmen do not wish to serve the people; they want power for themselves. They join the Congress for their own selfish ends and indulge in intrigue and groupism. How shall we get out of this mire? If we

strengthen the Congress in Bihar we can check the evil. The people of Bihar have behaved badly, we have become vicious, the whole atmosphere has been vitiated. In this atmosphere, many Congressmen kept quiet and could not stem the tide, and some of them were carried away by it.

A. It was easy to wrest power from British hands but it is very difficult to overcome our own weakness and to set up an efficient administration. You should tell me whether you can cooperate with me in this work or not. If you cannot, I request you to leave me. There are people today who declare that I am out of date and that I should give up all politics. I do not agree with this. This region is teeming with Hindus. We will not rely upon the police for our work although they are our police. We must do this work ourselves. Suhrawardy Saheb had deployed the police in Noakhali to protect me from Muslim fanatics; but I made friends with Muslims there. The Government here have also deployed the police. I ask them, what is the police for? Muslims are not going to kill me here; the Hindus may probably think of doing so. That is why I wish that the task of establishing peace should be undertaken by you all and not only by the Government although it is our Government. You should either achieve success in your mission or die in the attempt.

10. *Speech by Mahatma Gandhi at a prayer meeting at Goriakharhi on 19 March 1947*

I shall say after the prayers the few things that I wish to tell you. Since there is some time yet for the prayers to commence, I wish it to be utilised for collecting money for the relief of afflicted Muslims. We have committed a great sin by killing and robbing innocent Muslims. We can do some atonement through such donations. Hence I appeal to you to contribute your maximum.

After the prayers Gandhiji continued:

I have seen sign-boards put up at the prayer ground to indicate separate enclosures. Some of them are in English and some in Hindi. I was amazed to see the English boards. For whom are they written? The newspaper correspondents are all Indians and they can read Hindi. Are the English sign-boards then intended for Badshah Khan? Or did you think that I had stayed away from India for many years and had therefore been denationalised?

This is very objectionable. I am not an enemy of the English language or script. But I believe that a thing in the wrong place is ugly. I can be honoured only by being kept in my proper place. Similar is the case with the English language and script. They are not appropriate for the Indian people. I have said it time and again, and I repeat it, that Hindustani alone can become the common language of all Indians. Neither Hindi nor Urdu can take that place. I do not claim to be proficient in Hindi; but I do understand Hindi well and to some extent Urdu also. I used to attempt conversation in Urdu with my friend Maulana Abdul Bari of

Firangi Mahal, Lucknow, and other friends; and even now I try to speak chaste and correct Urdu with Muslim friends.

Till all the Hindus and Muslims in our country willingly accept one language and one script, it is essential that we learn both Hindi and Urdu. Whether or not the Muslims learn Hindi and Devanagari, we must learn the Urdu language and script. At the moment we have also to atone for our crimes against the Muslims. Hence it is all the more necessary that we demonstrate our affection and sympathy for them by learning their language and script. From tomorrow onwards I wish to see sign-boards in Hindi and Urdu wherever I go. Brijkishore Babu and Rajendra Babu who accompanied me during those early days in Champaran normally used to write in Urdu only.

We should try our utmost to rehabilitate the Muslims who used to live in our neighbourhood. We should appeal to them to forget the past. We should bring them back to their homes. We should tell them that they can kill us if they want to, but must come back to their homes. The volunteers should become Khudai Khidmatgars. They should respectfully appeal to the people to follow the dictates of their religion which taught them that their outward behaviour should be in keeping with their conscience and that they should tread the path of truth. Those who have committed crimes should honestly confess them and atone for them. All those who have taken part in the riots are sinners and they should atone for their sins.

11. Speech by Mahatma Gandhi at a prayer meeting at Patna on 29 March 1947

At the outset Gandhiji told the audience that he would be leaving for Delhi the next day and hoped to return in about four or five days.

Gandhiji then referred to the death on the previous evening of Prof. Abdul Bari, President of the Bihar Provincial Congress Committee, under tragic circumstances. Prof. Bari was a disciple and co-worker of Dr. Rajendra Prasad. Dr. Rajendra Prasad has built for himself a unique and undisputed position and influence in the Province by his service and sacrifice. Prof. Bari had also by his service in the cause of the workers in Jamshedpur and other places endeared himself to the people and risen to occupy the position of the President of the Provincial Congress Committee. A fearless fighter, Prof. Bari was with the Congress during the different phases of its struggle for freedom.

Gandhiji referred to his visit earlier in the day to Prof. Bari's house to console the members of the bereaved family and ask them not to grieve and to hearten them for the work that had specially descended upon the weak shoulders of his children. Gandhiji said that as he entered the house he was struck with its simplicity and the simple life Prof. Bari had led. The house was located in an ordinary narrow lane and what he saw inside the house fully bore out what

everyone had said about Prof. Bari, that he was a poor man and that though he had opportunities he scrupulously maintained his integrity as far as public finances were concerned. At a time when the administration of the country was in the Congress hands and crores of rupees had to be administered, men of Prof. Bari's honesty would have been of invaluable help. He had hoped, on his return from the third tour just finished, to be more closely associated with him and to make an effective appeal to him to modify, if not altogether get rid of, his short temper which went ill with the very high office, in fact the highest in the Province of Bihar, especially when there was a nationalist ministry at the head of affairs which naturally had to be influenced by the premier provincial Congress organisation. Gandhiji said that he had full faith in Prof. Bari and had known that his word carried great weight with him. But God had willed otherwise and He had deprived Bihar of the great service of a very brave man with the heart of a fakir. But men like Bari never died, and it was for those who remained to carry on the noble work he had left behind.

Gandhiji then referred to the circumstances of Prof. Bari's death and said that in an unfortunate altercation that had ensued between him and one Gurkha member of the anti-smuggling force and a former member of the Indian National Army, the latter shot him. He warned the audience that there was no politics of any kind in the death and that it would be wrong and unjustified to associate the whole I.N.A. organisation with the death of Prof. Bari because of what one single individual did.

12. Speech of welcome by D.R. Naik, President, Maharashtra Chamber of Commerce, on the occasion of the visit of Dr. Rajendra Prasad, Food Member, Government of India, on Monday the 14th April 1947

Hon'ble Dr. Rajendra Prasad,

Allow me please to extend to you a very cordial welcome on behalf of the Maharashtra Chamber of Commerce! I need not say how happy we are to have you in our midst today and how grateful we feel for your having spared time to visit this Chamber, despite your numerous engagements.

As you rightly stressed in your speech at a conference in Delhi, in January 1947, there is great need for making steady and persistent efforts to speed up India's food supply. You have also put forward a 5-year plan. Adequate quantum of food has to be assured for our people taking into consideration the normal increase of population and the need of building up sufficient reserves by way of insurance against hard times and scarcity as so much of agriculture depends on the monsoon whose vagaries are well known. I do not know whether it is possible to correctly assess the results of the "Grow More Food Campaign" conducted by Government in the last 2/3 years. But taking that there have been some good results, it is well known that the country which has been far from self-sufficient

needs to make up the deficit of at least one and a half million tons of foodstuffs annually, before it can be regarded as barely self-sufficient. The precariously balanced food economy of the country was upset and great hardship and calamity came upon us when Burma came under Japanese occupation and the large quantity of annual imports of rice from that country came to an end with that occupation. Other war-time factors further [aggravated] the food situation.

The problem before us is a big one; but given the will and the necessary all-round effort, it is certainly not beyond the country's capacity to solve it, although, for a real and lasting improvement in this respect, we will have to wait till the implementation of the long-range programme of all-round agricultural rehabilitation and improvement, of which the multi-purpose projects like the Kosi, Damodar, Mahanadi and Tungabhadra can be said to be important parts. These will easily require at least a decade if everything goes well, and Government have yet to come to their decision on some of these! It is not impossible, however, in the meantime to increase the yield from the land already under plough, so as to substantially reduce the gap between demand and supply, with the increasing help from Burma and other countries of South-East Asia.

Apart from the need for stopping the loss of foodgrains on account of insects by taking suitable care in respect of storage etc., timely supply of improved seed and manure to the cultivators is an urgent necessity to bring about this result. I may, in passing, mention here that the Chamber has received complaints from some of its members who own agricultural estates and who are helping the "Grow More Food Campaign" that Government's machinery is not working smoothly and that seed and manure are not made available at the right time. In order to achieve our object it is vitally necessary to provide, at once, facilities for mechanical farming etc., especially for ploughing, which is not properly done at present, with the help of the bullock plough. It is equally necessary that tractors and other implements for mechanical tillage are manufactured in the country at the earliest.

EVIL OF WIDESPREAD ADULTERATION

While on this question of increasing our food supplies, I should like to take this opportunity to refer to the necessity of tackling the question of stopping the widespread evil of adulteration. Government will indeed do well to take steps to effectively deal with this by providing adequate punishment for adulteration by passing the necessary legislation. Even if it be conceded that the evil has always existed to a certain extent, due in the main to general lack of understanding of its harmful effects on public health, it has become so widespread today due to the prevalent shortages that it deserves to be severely dealt with without any delay in the interest of the community. Neither the producer nor the consumer stands to lose anything and no good businessman need have any fear. In a progressive and healthy political community, it is indeed to the interest of all that articles of food, whether produced in the field or in the factory, become available in a pure

condition. And to make this possible, the state must act and act effectively.

CONTROLS

I do not wish to discuss the general policy of controls as followed at present. But, as a Member of the Government of India, you have also something to do with it. Suffice it to say that everyone concerned, Government themselves not excluded, would heartily welcome the end of these controls at the earliest possible moment! We are aware that controls are being lifted and restrictions relaxed or removed—the most recent example being the de-control of non-ferrous metals—but wherever they continue, they are, I must say, very clumsily, nay, often very inefficiently and badly administered. They have led to endless bickering, continued friction, all-round unpleasantness and widespread confusion! Government have not succeeded and they cannot possibly succeed, except in a very few cases, in controlling the movement of a commodity, right from its production until the time it reaches the consumer, more especially when it is produced in thousands and thousands of centres. Naturally price-control has proved illusive in many cases and black market has thrived!

Gul: Taking, for example, the specific case of gul or jaggery, so far as Bombay Province is concerned, it is understood that there is more than enough gul to go round if only its export outside the Province is banned. This done, there need not really be any restriction either as regards its price or movement. The price may go up for a while, but it is bound to seek its proper level due to greater production and competition resulting from the free movement of the commodity and unrestricted trade in it. The present prices being uneconomic, there is no incentive to an agriculturist to increase the gul production. Gul control and the administrative vagaries connected with it will further bring down gul production and create chaos. There is an abundant quantity of gul—at least 10 lakhs of blocks—lying at Kolhapur today, a place which is well known for the excellence of its gul throughout the country; there is also a large quantity of gul lying in Ahmednagar and the other surplus gul-producing districts of the Province. Even so the tragedy is that today people are not getting gul in sufficient quantity due to the incredible bungling and the inefficient manner in which Government are going about the whole business of distribution of gul, which is an article of everyday use in almost every household in this country and wanted by both the rich and the poor alike! The present methods of grading and distribution of gul are so clumsy that without doing any good to anyone they have created scope for limitless confusion and trouble. I have specially referred to gul today, because it can be considered an article of food to a certain extent.

Cotton cloth and yarn: The vagaries of cotton and yarn control and distribution are too well known to need any reference! In fact the whole thing has become a huge scandal. Supply of yarn of higher counts to handloom centres which need yarn of lower counts, and supply of yarn of lower counts to centres where yarn of higher counts is needed, is not a rare experience. The same way, the kind of cloth

supplied to rural areas is not often wanted there, while the cities or urban areas are often supplied with cloth which they do not need and for which the villages are crying! While there is great shortage of cloth experienced by the public, huge stocks are accumulating with the mills and elsewhere and these are not simply moving! That is the irony of the situation!! If Government have not been able to work the control and distribution after more than 3 years' experience, then the best thing for them to do is to end them at the earliest possible moment, keeping control and rationing of foodgrains and other articles which are largely in short supply, until a more satisfactory supply position is assured, and running them in the meantime more efficiently and strictly, stopping all loop-holes and putting an end to black market.

We are aware that you have been fully acquainted with the difficult food situation of this Province and have at the same time full confidence that you will spare no efforts to relieve the strain by granting the necessary relief.

When the Constitution of the country is on the anvil, it will be but opportune to mention here today that this Chamber has all along stood for the territorial, political and economic unity of India—which is being built for a hundred years. It has also stood for fairness and justice to all. Its attitude remains the same today. The same way, so far as the reorganisation of the Provinces on linguistic basis is concerned, this Chamber holds the view that, under no circumstances whatsoever, Bombay and Bombay Suburban District should be separated from Maharashtra of which they form parts and with which they are intimately connected by linguistic, cultural, historical and economic ties. Bombay is the major port of Maharashtra—which, roughly speaking, extends to over 500 miles in the interior behind Bombay and to over 60 miles to the north and 250 miles to the south of it, so far as the western sea-board of India is concerned.

With these words I thank you, Hon'ble Dr. Rajendra Prasad, for giving us an opportunity to meet you today.

13. *Draft Report of the Union Powers Committee to the Constituent Assembly of India*

CONFIDENTIAL

New Delhi
17 April 1947

We, the undersigned members of the Committee appointed by the resolution of the Constituent Assembly of the 25th January to examine the scope of Union powers, have the honour to submit this our report. Sir V.T. Krishnamachari and Sir B.L. Mitter were nominated to the Committee on 10-4-1947 and the rest of us have had an opportunity of going over the entire ground again with them.

2. We consider that the scope of the subjects—Defence, Foreign Affairs and

Communications—in the Cabinet Delegation's statement of the 16th May covers the following:

A: 'Defence' connotes the defence of the Union and of every part thereof and includes generally all preparations for defence, as well as all such acts as may be conducive to its successful prosecution in times of war, and to effective demobilisation after its termination. In particular, 'Defence' includes

- (1) The raising, training, maintenance and control of Naval, Military and Air Forces and employment thereof for the defence of the Union and the execution of the laws of the Union and its units; the strength, organisation and control of the existing armed forces raised and employed in Indian States;
- (2) Defence industries;
- (3) Naval, Military and Air Force works;
- (4) Local self-government in cantonment areas, the constitution and powers within such areas of cantonment authorities, the regulation of house accommodation in such areas and the delimitation of such areas;
- (5) Arms, firearms, ammunition and explosives;
- (6) Atomic energy and mineral resources essential to its production.

We recommend further that in order to enable the Union Government effectively to discharge its responsibility for defence, it should be vested with the powers similar to those contained in Sections 102 and 126-A of the Government of India Act, 1935.

B: 'Foreign Affairs' connotes all matters which bring the Union into relations with any foreign country and, in particular, includes the following subjects:

- (1) Diplomatic, consular and trade representation;
- (2) United Nations Organisation;
- (3) Participation in international conferences, associations and other bodies and implementing of decisions made thereat;
- (4) War and peace;
- (5) The entering into and implementing of treaties and agreements with other countries;
- (6) Trade and commerce with foreign countries;
- (7) Foreign loans;
- (8) Naturalisation and aliens;
- (9) Extradition;
- (10) Passports and visas;
- (11) Foreign jurisdiction;
- (12) Admiralty jurisdiction;
- (13) Piracies, felonies committed on the high seas and offences committed in the air against the law of nations;
- (14) Admission into, and emigration and expulsion from, the Union;

- (15) Port quarantine;
- (16) Import and export across customs frontiers as defined by the Union Government;
- (17) Fishing and fisheries beyond territorial waters.

C: The term 'Communications' although it is wide enough to cover any connection between places should, for the present purposes of the Union, in our opinion, include the following:

- (1) Airways;
- (2) Highways and waterways declared by the Union to be Union highways and waterways;
- (3) Shipping and navigation on inland waterways, declared by the Union to be Union waterways, as regards mechanically propelled vessels, and the rule of the road on such waterways; carriage of passengers and goods on such waterways;
- (4) (a) Posts and telegraphs: provided that the rights existing in favour of any individual State unit at the date of the establishment of the Union shall be preserved to the unit till the same are modified or extinguished by agreement between the Union and units concerned, subject however to the power of the Union to make laws for the regulation and control of the same;
- (b) Union telephones, wireless, broadcasting and other like forms of communication; the regulation and control of all other telephones, wireless, broadcasting and other like forms of communication;
- (5) Union railways; the regulation of all railways (other than minor railways) in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers;
- (6) Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction;
- (7) Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein;
- (8) Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes;
- (9) Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft;
- (10) Carriage of passengers and goods by sea or by air;
- (11) Union Meteorological Services;
- (12) Inter-unit quarantine.

D: The expression 'the powers necessary to raise the finances required' for the Union subjects in the Cabinet Delegation's statement necessarily includes the power to raise finances by taxation. In existing circumstances, we recommend

the following sources of revenue for the Union:

- (1) Duties of customs, including export duties;
- (2) Excise duties;
- (3) Corporation tax;
- (4) Taxes on income other than agricultural income;
- (5) Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies;
- (6) Duties in respect of succession to property other than agricultural land;
- (7) Estate duty in respect of property other than agricultural land;
- (8) Fees in respect of any of the matters in the list of Union powers, but not including fees taken in any Court, other than the Union Court.

We realise that, in the matter of industrial development, the States are in varying degrees of advancement and conditions in British India and the States are in many respects dissimilar. Some of the above taxes are now regulated by agreements between the Government of India and the States. We, therefore, think that it may not be possible to impose a uniform standard of taxation throughout the Union all at once. We recommend that uniformity of taxation throughout the units may, for an agreed period of years after the establishment of the Union not exceeding 15, be kept in abeyance and the incidences, levy, realisation and apportionment of the above taxes in the State units shall be subject to agreement between them and the Union Government. Provision should accordingly be made in the Constitution for implementing the above recommendation.

This is in addition to the recommendations of the Sub-Committee on Fundamental Rights regarding internal customs duties.

3. It is impossible to enumerate the powers implied or inherent in or resultant from the express powers of the Union. We think that in any case the following powers come within the category:

- (1) Union judiciary;
- (2) Acquisition of property for the purposes of the Union;
- (3) Union agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies;
- (4) Census;
- (5) Offences against laws with respect to any of the matters in the list of Union powers;
- (6) Enquiries, surveys and statistics for the purposes of the Union;
- (7) Union Services;
- (8) Industrial disputes concerning Union employees;
- (9) Reserve Bank of India;
- (10) Property of the Union and the revenue therefrom;

- (11) Public debt of the Union;
- (12) Currency, coinage and legal tender;
- (13) All subjects in respect of Union areas;
- (14) Powers to deal with grave economic emergencies in any part of the Union affecting the Union.

4. We are of the opinion that provision should be made in the new Constitution for the recognition throughout the Union of the laws and public acts and records of the judicial proceedings of the units and for judgment and orders delivered in one unit being enforced in other units. We note that a provision to this effect has already been made in the list of Fundamental Rights.

5. In addition to the above subjects which, in our view, come within the scope of Union powers in accordance with the Cabinet Delegation's statement, we hope that the following subjects will also be included in the Union List by agreement:

- (1) Insurance;
- (2) Company Laws;
- (3) Banking;
- (4) Negotiable Instruments;
- (5) Patents, trade marks, trade designs, copyright.
- (6) Planning;
- (7) Ancient and Historical Monuments;
- (8) Standard Weights and Measures.

Such an arrangement will ensure uniformity throughout the territories of the Union, in matters bearing on trade and commerce as has in fact been recognised in many federal constitutions. We have included Planning in the above list for the reason that although authority may rest in respect of different subjects with the units, it is obviously in their interest to have coordinating machinery to assist them.

6. We recommend the insertion in the Constitution of a provision on the lines of Article (xxxvii) of Section 51 of the Australian Constitution Act.

7. We also recommend that by agreement there may be a list of concurrent subjects as between the Union and the units.

Jawaharlal Nehru
Govind Ballabh Pant
B.L. Mitter
Jairamdas Doulatram
N. Gopalaswami Ayyangar
K.M. Munshi
V.T. Krishnamachari
B. Pattabhi Sitaramayya
Biswanath Das
A. Krishnaswami Ayyar

14. *Mahatma Gandhi's talk with Bihar Ministers on 19 April 1947*

1. Ministers and Governors should, as far as possible, use articles manufactured in India, have khadi alone to wear for themselves and their family members and keep the wheel of non-violence going and help the crores of poor earn their bread.

2. They should learn both the Nagari and Persian scripts, abjure use of English among themselves and use Hindustani for all public occasions. They should also encourage the use of provincial languages. Hindustani should be their medium for all official purposes and all their office orders and circulars should be issued in it so that the enthusiasm to learn Hindustani grows and it may automatically become the lingua franca of India.

3. They should be completely free from the taint of untouchability, casteism, and nepotism. Those holding high positions should be impartial towards all whether the person be his own brother, son, or an ordinary citizen, be he an artisan or a labourer.

4. Their personal lives should be models of simplicity. They should perform body-labour for at least an hour daily either in the form of spinning or growing food or vegetables to help the country to make good the food shortage.

5. They should not live in bungalows or have cars. They should live in simple houses. They might make use of a motor-car but sparingly, only for special reasons, such as going long distances. Although the need for a motor-car will always be there it should be used as sparingly as possible.

6. By living in one place or close to one another, Ministers, their families and their staff would come into closer touch with one another. This would ensure better coordination among them.

7. They and their family members should, as far as possible, avoid the use of servants and do their own domestic chores.

8. The use of costly foreign furniture, sofa sets, almirahs, glossy chairs, etc., should be avoided, particularly in view of the prevailing conditions when, let alone carpets, crores of people do not have enough to cover themselves.

9. The Ministers should be free from all vices and addictions. If they set an example in plain living and high thinking, they would need no bodyguards. I am sure people themselves would provide all the security they might require instead of their having to take security measures in the form of half a dozen policemen. Ministers wedded to non-violence ought to feel embarrassed by such arrangements. This would mean a lot of saving.

But who will heed my advice? Nevertheless I cannot remain silent as I do not want to be an unprotesting witness to what is taking place around me in the country today. It is up to the Bihar of Dr. Rajendra Prasad to set an example in this regard.

15. *Report submitted by the Ad Hoc Committee on Supreme Court (set up on 21 April 1947)*

CONSTITUENT ASSEMBLY
(AD HOC COMMITTEE ON SUPREME COURT)

We, the undersigned members of the Committee appointed to consider the constitution and powers of the Supreme Court, have the honour to submit this our report.

2. We considered the question under the following heads:

- I. Jurisdiction and powers of the Supreme Court.
- II. Advisory jurisdiction of the Court.
- III. Ancillary powers of the Court.
- IV. Constitution and strength of the Court.
- V. Qualifications and mode of appointment of judges.
- VI. Tenure of office and conditions of service of judges.

1. Jurisdiction and Powers of the Supreme Court

3. A Supreme Court with jurisdiction to decide upon the constitutional validity of acts and laws can be regarded as a necessary implication of any federal scheme. This jurisdiction need not however belong exclusively to the Supreme Court. Even under the existing Indian Constitution, the question of the validity of acts and laws is permitted to be raised in any court whenever that question arises in a litigation before that Court.

4. A Supreme Court for certain purposes being thus a necessity, we consider that the Court may well be given the following additional powers under the new Indian Constitution:

- (a) *Exclusive jurisdiction in disputes between the Union and a unit or between one unit and another*

5. The Supreme Court is the best available *forum* for the adjudication of such disputes, and its jurisdiction should be exclusive.

- (b) *Jurisdiction with respect to matters arising out of treaties made by the Union*

6. The treaty-making power belongs to the Union as part of the subject of 'Foreign Affairs'. It would therefore be appropriate to invest the Supreme Court of the Union with jurisdiction to decide finally, though not necessarily in the first instance, upon all matters arising out of treaties including extradition between the Union and a foreign state. At this stage we do not deal with inter-unit extradition, because this will depend upon the ultimate distribution of powers between the Union and the units.

(c) *Jurisdiction in respect of such other matters within the competence of the union as the Union Legislature may prescribe*

7. If the Union Legislature is competent to legislate on a certain matter, it is obviously competent to confer judicial power in respect of that matter on a tribunal of its own choice, and if it chooses the Supreme Court for the purpose, the Court will have the jurisdiction so conferred.

(d) *Jurisdiction for the purpose of enforcing the fundamental rights guaranteed by the Constitution*

8. Clause 22 of the draft of the Fundamental Rights provides that the right to move the Supreme Court by appropriate proceedings for the enforcement of fundamental rights is guaranteed. We think, however, that it is undesirable to make the jurisdiction of the Supreme Court in such matters exclusive. The citizen will practically be denied these fundamental rights if, whenever they are violated, he is compelled to seek the assistance of the Supreme Court as the only Court from which he can obtain redress. Where there is no other Court with the necessary jurisdiction, the Supreme Court should have it; where there is some other Court with the necessary jurisdiction, the Supreme Court should have appellate jurisdiction, including powers of revision.

(e) *General appellate jurisdiction similar to that now exercised by the Privy Council*

9. Under the new Constitution the jurisdiction of the Privy Council as the ultimate appellate authority will disappear and it is obviously desirable that a similar jurisdiction should now be conferred on the Supreme Court. So far as the British Indian units are concerned, this jurisdiction should be co-extensive with the present jurisdiction of the Privy Council. As regards the Indian State units, there are at least two classes of cases where, in the interests of uniformity, it is clearly desirable that the final decision should rest with the Supreme Court, namely,

- (1) cases involving the interpretation of law of the Union, and
- (2) cases involving the interpretation of a law of a unit other than the State concerned.

Sir B.L. Mitter suggests that such uniformity can be obtained either by invoking the appellate authority of the Supreme Court or by a reference of the particular issue to the Supreme Court. Cases involving the constitutional validity of a law of the Union or any unit have already been dealt with; they will all necessarily fall within the Supreme Court's jurisdiction.

10. It will also, of course, be open to any Indian State unit to confer by special agreement additional jurisdiction upon the Supreme Court in respect of such matters as may be specified therein.

II. *Advisory Jurisdiction of the Court*

11. There has been considerable difference of opinion amongst jurists and political thinkers as to the expediency of placing on the Supreme Court an obligation to advise the Head of the State on difficult questions of law. In spite of arguments to the contrary, it was considered expedient to confer advisory jurisdiction upon the Federal Court under the existing Constitution by Section 213 of the Act of 1935. Having given our best consideration to the arguments *pro* and *con*, we feel that it will be on the whole better to continue this jurisdiction even under the new Constitution. It may be assumed that such jurisdiction is scarcely likely to be unnecessarily invoked and if, as we propose, the Court is to have a strength of ten or eleven judges, a pronouncement by a full Court may well be regarded as authoritative advice. This can be ensured by requiring that references to the Supreme Court for advice shall be dealt with by a full Court.

III. *Ancillary Powers of the Court*

12. Power should be conferred upon the Supreme Court as under Section 214 of the Act of 1935 to make rules of procedure to regulate its work, and provisions similar to those contained in Order 45 of the Civil Procedure Code should be made available so as to facilitate the preparation of the record in appeals to the Supreme Court as well as the execution of its decrees. It does not seem to us necessary to continue the restriction now placed on the Federal Court by Section 209 of the Act of 1935. If the Supreme Court takes the place of the Privy Council, it may well be permitted to pronounce final judgment and final decrees in cases where this is possible or to remit the matter for further inquiry to the Courts from which the appeal has been preferred where such further inquiry is considered necessary. Provision must also be made on the lines of Section 210 of the Act of 1935 giving certain inherent powers to the Supreme Court.

IV. *Constitution and Strength of the Court*

13. We think that the Supreme Court will require at least two Division Benches and as we think that each Division Bench should consist of five judges, the Court will require ten judges in addition to the Chief Justice, so as to provide for possible absences or other unforeseen circumstances. Moreover, one of the judges may be required to deal with many miscellaneous matters incidental to appellate jurisdiction (including revisional and referential jurisdiction).

V. *Qualifications and Mode of Appointment of Judges*

14. The qualifications of the judges of the Supreme Court may be laid down on terms very similar to those in the Act of 1935 as regards the judges of the Federal Court, the possibility being borne in mind (as in the Act of 1935) that

judges of the superior courts even from the States which may join the Union may be found fit to occupy a seat in the Supreme Court. We do not think that it will be expedient to leave the power of appointing judges of the Supreme Court to the unfettered discretion of the President of the Union. We recommend that either of the following methods may be adopted. One method is that the President should in consultation with the Chief Justice of the Supreme Court (so far as the appointment of puisne judges is concerned) nominate a person whom he considers fit to be appointed to the Supreme Court and the nomination should be confirmed by a majority of at least 7 out of a panel of 11 composed of some of the Chief Justices of the High Courts of the constituent units, some members of both the Houses of the Central Legislature and some of the law officers of the Union. The other method is that the panel of 11 should recommend three names out of which the President, in consultation with the Chief Justice, may select a judge for the appointment. The same procedure should be followed for the appointment of the Chief Justice except, of course, that in this case there will be no consultation with the Chief Justice. To ensure that the panel will be both independent and command confidence, the panel should not be an ad hoc body but must be one appointed for a term of years.

VI. *Tenure of Office and Conditions of Service of Judges*

15. The tenure of office of the judges of the Supreme Court will be the same as that of Federal Court judges under the present Constitution Act and their age of retirement also may be the same (65). Their salary and pensions may be provided for by statutory rules. It is undesirable to have temporary judges in the highest Court in the land. Instead of having temporary judges, the system of having some ad hoc judges out of a panel of Chief Justices or judges of the High Courts may be adopted. In this connection we invite attention to the Canadian practice as embodied in Section 30 of the Canadian Supreme Court Act. The Section runs as follows:

30. *Appointment of ad hoc judge.* If at any time there should not be a quorum of the judges of the Supreme Court available to hold or continue any session of the Court, owing to a vacancy or vacancies, or to the absence through illness or on leave or in the discharge of other duties assigned by statute or order in council, or to the disqualification of a judge or judges, the Chief Justice, or, in his absence, the senior puisne judge, may in writing request the attendance at the sittings of the Court, as an ad hoc judge, for such period as may be necessary, of a judge of the Exchequer Court, or, should the judges of the said court be absent from Ottawa or for any reason unable to sit, of a judge of a provincial superior court to be designated in writing by the Chief Justice or in his absence by any Acting Chief Justice or the senior puisne judge of such provincial court upon such request being made to him in writing.

4. *Duties.* It shall be the duty of the judge whose attendance has been so requested or who has been so designated in priority to other duties of his office, to attend the sittings of the Supreme Court at the time and for the period for which his attendance shall be required, and while so attending he shall possess the powers and privileges and shall discharge the duties of a puisne judge of the Supreme Court.

16. Not all the recommendations that we have made need find a place in the Constitution Act. The main features may be embodied in the Constitution Act and detailed provisions in a separate Judiciary Act to be passed by the Union Legislature. The form of procedure in the Supreme Court, e.g., for the enforcement of fundamental rights may also be provided for in the Judiciary Act. We may point out that the prerogative writs of mandamus, prohibition and certiorari have been abolished in England by a statute of 1938. Corresponding orders have been substituted and the Supreme Court of Judicature has been empowered to make rules of court prescribing the procedure in cases where such orders are sought. (See Sections 7-10 of the Administration of Justice (Miscellaneous Provisions) Act, 1938.)

17. We understand our terms of reference to relate only to the constitution and powers of the Supreme Court. We have, therefore, said nothing about the High Courts of the units, although we have had to refer to them incidentally in some of our suggestions relating to the Supreme Court.

S. Varadachari
B.L. Mitter
K.M. Munshi
Alladi Krishnaswami
B.N. Rau

16. *Interim Report of the Advisory Committee on the subject of Fundamental Rights*

(Presented on 29th April 1947)

Council House
New Delhi
23 April 1947

Sir,

On behalf of the members of the Advisory Committee* appointed by the Constituent Assembly of India on the 24th January 1947, I have the honour to submit this interim report on fundamental rights. In coming to its conclusions, the Committee has taken into consideration not merely the report of the Sub-Committee on Fundamental Rights but also the comments thereon of the Minorities Sub-Committee.

2. The Fundamental Rights Sub-Committee recommended that the list of fundamental rights should be prepared in two parts, the first part consisting of rights enforceable by appropriate legal process and the second consisting of

directive principles of social policy which, though not enforceable in Courts, are nevertheless to be regarded as fundamental in the governance of the country. On these latter, we propose to submit a subsequent report; at present, we have confined ourselves to an examination only of the justiciable fundamental rights.

3. We attach great importance to the Constitution making these rights justiciable. The right of the citizen to be protected in certain matters is a special feature of the American Constitution and the more recent democratic constitutions. In the portion of the Constitution Act dealing with the powers and jurisdiction of the Supreme Court, suitable and adequate provision will have to be made to define the scope of the remedies for the enforcement of these fundamental rights. These remedies have been indicated in general terms in clause 22 of the Annexure.

4. Clause 20 of the statement of May 16, 1946, contemplates the possibility of distributing fundamental rights between the Constitutions of the Union, the Groups, if any, and the Units. We are of the opinion that fundamental rights of the citizens of the Union would have no value if they differed from Group to Group or from Unit to Unit or are not uniformly enforceable. We recommend that the rights set out in the Annexure to this report be incorporated in the Constitution so as to be binding upon all authorities, whether of the Union or the Units.

5. Clause 10 deals with the freedom, throughout the Union, of trade, commerce and intercourse between the citizens. In dealing with this clause we have taken into account the fact that several Indian States depend upon internal customs for a considerable part of their revenue and it may not be easy for them to abolish such duties immediately on the coming into force of the Constitution Act. We, therefore, consider that it would be reasonable for the Union to enter into agreements with such States, in the light of their existing rights, with a view to giving them time, up to a maximum period to be prescribed by the Constitution, by which internal customs could be eliminated and complete free trade established within the Union.

6. We have made a special provision in regard to full faith and credit being given to the public Acts, records and judicial proceedings of the Union in every Unit and for the judgments and orders of one Unit being enforced in another Unit. We regard this provision as very important and appropriately falling within the scope of fundamental rights.

7. Clause 2 lays down that all existing laws, regulations, notifications, custom or usage in force within the territories of the Union inconsistent with the fundamental rights shall stand abrogated to the extent of such inconsistency. While in the course of our discussions and proceedings we have kept in view the provisions of existing Statute law, we have not had sufficient time to examine in detail the effect of this clause on the mass of existing legislation. We recommend that such an examination be undertaken before this clause is finally inserted in the Constitution.

8. The Fundamental Rights Sub-Committee was of the opinion that the right

of the citizen to have redress against the State in a court of law shall not be fettered by undue restrictions. That Sub-Committee was not able, however, to draft a suitable formula as the matter requires more investigation than was possible in the time at its disposal. It was also suggested during our deliberations that certain additional fundamental rights should be inserted in the Constitution. We have not had the time to consider these matters; we shall do so in due course and incorporate any recommendations we may have to make on them in our next report.

9. The Fundamental Rights Sub-Committee and the Minorities Sub-Committee were agreed that the following should be included in the list of fundamental rights:

Every citizen not below 21 years of age shall have the right to vote at any election to the legislature of the Union and of any Unit thereof, or, where the legislature is bicameral, to the lower chamber of the legislature, subject to such disqualifications on the ground of mental incapacity, corrupt practice or crime as may be imposed, and subject to such qualifications relating to residence within the appropriate constituency, as may be required, by or under the law.

(2) The law shall provide for free and secret voting and for periodical elections to the legislature.

(3) The superintendence, direction and control of all elections to the legislature, whether of the Union or of a Unit, including the appointment of Election Tribunals, shall be vested in an Election Commission for the Union or the Unit, as the case may be, appointed, in all cases, in accordance with the law of the Union.

While agreeing in principle with this clause, we recommend that instead of being included in the list of fundamental rights, it should find a place in some other part of the Constitution.

I have the honour to be,

Sir,

Your most obedient servant,

Vallabhbhai Patel

Chairman

Advisory Committee on Minorities,
Fundamental Rights, etc.

The President

Constituent Assembly of India.

*Members of the Advisory Committee:

1. The Hon'ble Sardar Vallabhbhai Patel, *Chairman*
2. Shri Jairamdas Doulatram.
3. The Hon'ble Shri Mehr Chand Khanna.
4. Dr. Gopi Chand Bhargava.

5. Sir Tek Chand Bakshi.
6. Dr. Prafulla Chandra Ghosh.
7. Shri Surendra Mohan Ghose.
8. Dr. Syama'Prasad Mookerjee.

(Contd.)

(Annexure)

JUSTICIABLE FUNDAMENTAL RIGHTS

1. *Definition* Unless the context otherwise requires:

- (i) "The State" includes the legislatures and the government of the Union and the Units and all local or other authorities within the territories of the Union.
- (ii) "The Union" means the Union of India.
- (iii) "The law of the Union" includes any law made by the Union legislature and any existing Indian law as in force within the Union or any part thereof.

2. *Application of laws.* All existing laws, notifications, regulations, customs or usages in force within the territories of the Union inconsistent with the rights guaranteed under this part of the Constitution shall stand abrogated to the extent of such inconsistency, nor shall the Union or any Unit make any law taking away or abridging any such right.

3. *Citizenship.* Every person born in the Union or naturalised in the Union according to its laws and subject to the jurisdiction thereof shall be a citizen of the Union.

4. *Rights of equality.* (1) The State shall make no discrimination against any citizen on grounds of religion, race, caste or sex.

(2) There shall be no discrimination against any citizen on any ground of religion, race, caste or sex in regard to

- 9. Shri Prithvi Singh Azad.
- 10. Shri Dharam Prakash.
- 11. Shri H.J. Khandekar.
- 12. The Hon'ble Shri Jagjivan Ram
- 13. Shri P.R. Thakur.
- 14. Dr. B.R. Ambedkar.
- 15. Shri V.I. Muniswami Pillai.
- 16. Sardar Jogendra Singh.
- 17. The Hon'ble Sardar Baldev Singh.
- 18. Sardar Pratap Singh.
- 19. Sardar Harnam Singh.
- 20. Sardar Ujjal Singh
- 21. Gyani Kartar Singh.
- 22. Dr. H.C. Mookherjee.
- 23. Dr. Alban D'Souza.
- 24. Shri P.K. Salve.
- 25. Shri J.L.P. Roche-Victoria.
- 26. Mr. S.H. Prater.
- 27. Mr. Frank Reginald Anthony
- 28. Mr. M.V.H. Collins
- 29. Sir Homi Mody.
- 30. Shri M.R. Masani.
- 31. Shri R.K. Sidhwa

- 32. Shri Rup Nath Brahma.
- 33. Khan Abdul Ghaffar Khan
- 34. Khan Abdul Samad Khan.
- 35. The Hon'ble Rev. J.J.M. Nichols-Roy
- 36. Shri Aliba Imti.
- 37. Shri Phul Bhanu Shah.
- 38. Shri Devendra Nath Samanta.
- 39. Shri Jaipal Singh.
- 40. Acharya J.B. Kripalani.
- 41. The Hon'ble Maulana Abul Kalam Azad.
- 42. The Hon'ble Shri C. Rajagopalachariar.
- 43. Rajkumari Amrit Kaur.
- 44. Shrimati Hansa Mehta.
- 45. The Hon'ble Pandit Govind Ballabh Pant.
- 46. The Hon'ble Shri Gopinath Bardoloi
- 47. The Hon'ble Shri Purushottamdas Tandon.
- 48. Sir Alladi Krishnaswami Ayyar
- 49. Shri K.T. Shah.
- 50. Shri K.M. Munshi.
- 51. Shri Amritlal V. Thakkar.
- 52. Mr. M. Ruthnaswamy.
- 53. Shri Raj Krishna Bose.
- 54. Sardar K.M. Panikkar.

- (a) access to trading establishments including public restaurants and hotels,
- (b) the use of wells, tanks, roads and places of public resort maintained wholly or partly out of public funds or dedicated to the use of the general public:

Provided that nothing contained in this clause shall prevent separate provision being made for women and children.

5. There shall be equality of opportunity for all citizens in matters of public employment and in the exercise of carrying on of any occupation, trade, business or profession.

Nothing herein contained shall prevent the State from making provision for reservations in favour of classes who, in the opinion of the State, are not adequately represented in the public services.

No citizen shall on grounds only of religion, race, caste, sex, descent, place of birth, or any of them be ineligible for public office or be prohibited from acquiring, holding or disposing of property or exercising or carrying on any occupation, trade, business, or profession within the Union.

Nothing herein contained shall prevent a law being made prescribing that the incumbent of an office to manage, administer or superintend the affairs of a religious or denominational institution or the member of the Governing Body thereof shall be a member of that particular religion or denomination.

6. "Untouchability" in any form is abolished and the imposition of any disability on that account shall be an offence

7. No heritable title shall be conferred by the Union.

No citizen of the Union and no person holding any office of profit on trust under the State shall, without the consent of the Union Government, accept any present, emoluments, office, or title of any kind from any foreign State.

8. *Rights of freedom.* There shall be liberty for the exercise of the following rights subject to public order and morality or to the existence of grave emergency declared to be such by the Government of the Union or the Unit concerned whereby the security of the Union or the Unit, as the case may be, is threatened:

- (a) The right of every citizen to freedom of speech and expression:

Provision may be made by law to make the publication or utterance of seditious, obscene, blasphemous, slanderous, libellous or defamatory matter actionable or punishable.

- (b) The right of the citizens to assemble peaceably and without arms:

Provision may be made by law to prevent or control meetings which are likely to cause a breach of the peace or are a danger or nuisance to the general public or to prevent or control meetings in the vicinity of any chamber of a legislature.

- (c) The right of citizens to form associations or unions:

Provision may be made by law to regulate and control in the public interest the exercise of the foregoing right provided that no such provision shall contain any political, religious or class discrimination.

- (d) The right of every citizen to move freely throughout the Union.

- (e) The right of every citizen to reside and settle in any part of the Union, to acquire property and to follow any occupation, trade, business or profession:

Provision may be made by law to impose such reasonable restrictions as may be necessary in the public interest including the protection of minorities and tribes.

9. No person shall be deprived of his life, or liberty, without due process of law nor shall any person be denied the equal treatment of the laws within the territories of the Union:

Provided that nothing herein contained shall detract from the powers of the Union Legislature in respect of foreigners.

10. Subject to regulation by the law of the Union, trade, commerce, and intercourse among the Units by and between the citizens shall be free:

Provided that any Unit may by law impose reasonable restrictions in the interest of public order, morality or health or in an emergency:

Provided that nothing in this section shall prevent any Unit from imposing on goods imported from other Units the same duties and taxes to which the goods produced in the Unit are subject:

Provided further that no preference shall be given by any regulation of commerce or revenue by a Unit to one Unit over another.

11. (a) Traffic in human beings, and (b) forced labour in any form including *begar* and involuntary servitude except as a punishment whereof the party shall have been duly convicted, are hereby prohibited and any contravention of this prohibition shall be an offence.

Explanation. Nothing in this sub-clause shall prevent the State from imposing compulsory service for public purposes without any discrimination on the ground of race, religion, caste or class.

12. No child below the age of 14 years shall be engaged to work in any factory, mine or any other hazardous employment.

Explanation. Nothing in this shall prejudice any educational programme or activity involving compulsory labour.

13. *Rights relating to religion.* All persons are equally entitled to freedom of conscience, and the right freely to profess, practise and propagate religion subject to public order, morality or health, and to the other provisions of this chapter.

Explanation 1. The wearing and carrying of *Kripans* shall be deemed to be included in the profession of the Sikh religion.

Explanation 2. The above rights shall not include any economic, financial, political or other secular activities that may be associated with religious practice.

Explanation 3. The freedom of religious practice guaranteed in this clause shall not debar the State from enacting laws for the purpose of social welfare and reform.

14. Every religious denomination shall have the right to manage its own affairs in matters of religion and, subject to the general law, to own, acquire and

administer property, movable and immovable, and to establish and maintain institutions for religious or charitable purposes.

15. No person may be compelled to pay taxes, the proceeds of which are specifically appropriated to further or maintain any particular religion or denomination.

16. No person attending any school maintained or receiving aid out of public funds shall be compelled to take part in the religious instruction that may be given in the school or to attend religious worship held in the school or in premises attached thereto.

17. Conversion from one religion to another brought about by coercion or undue influence shall not be recognised by law.

18. *Cultural and educational rights.* (1) Minorities in every Unit shall be protected in respect of their language, script and culture, and no laws or regulations may be enacted that may operate oppressively or prejudicially in this respect.

(2) No minority whether based on religion, community or language shall be discriminated against in regard to the admission into State educational institutions, nor shall any religious instruction be compulsorily imposed on them.

(3) (a) All minorities whether based on religion, community or language shall be free in any Unit to establish and administer educational institutions of their choice.

(b) The State shall not, while providing State aid to schools, discriminate against schools under the management of minorities whether based on religion, community or language.

19. *Miscellaneous rights.* No property, movable or immovable, of any person or corporation including any interest in any commercial or industrial undertaking, shall be taken or acquired for public use unless the law provides for the payment of compensation for the property taken or acquired and specified the principles on which and the manner in which the compensation is to be determined.

20. (1) No person shall be convicted of crime except for violation of a law in force at the time of the commission of that act charged as an offence, nor be subjected to a penalty greater than that applicable at the time of the commission of the offence.

(2) No person shall be tried for the same offence more than once nor be compelled in any criminal case to be a witness against himself.

21. (1) Full faith and credit shall be given throughout the territories of the Union to the public acts, records and judicial proceedings of the Union and every Unit thereof, and the manner in which and the conditions under which such acts, records and proceedings shall be proved and the effect thereof determined shall be prescribed by the law of the Union.

(2) Final civil judgements delivered in any Unit shall be executed throughout the Union subject to such conditions as may be imposed by the law of

the Union.

22. *Right to constitutional remedies.* (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of any of the rights guaranteed by this part is hereby guaranteed.

(2) Without prejudice to the powers that may be vested in this behalf in other courts, the Supreme Court shall have power to issue directions in the nature of the writ of habeas corpus, mandamus, prohibition, quo warranto and certiorari appropriate to the right guaranteed in this part of the Constitution.

(3) The right to enforce these remedies shall not be suspended unless when, in cases of rebellion or invasion or other grave emergency, the public safety may require it.

23. The Union Legislature may by law determine to what extent any of the rights guaranteed by this part shall be restricted or abrogated for the members of the armed forces or forces charged with the maintenance of public order so as to ensure fulfilment of their duties and the maintenance of discipline.

24. The Union Legislature shall make laws to give effect to those provisions of this part which require such legislation and to prescribe punishment for those acts which are declared to be offences in this part and are not already punishable.

17. *Mahatma Gandhi's talk with Bihar Ministers on 24 April 1947*

... says one thing to me, does something else. We shall not be able to preserve our freedom at this rate. After all, how have you people reached such a high position? By whose efforts have you done it? Have you not been trained by me? If there can be such confusion in Bihar which belongs to Rajendra Babu, it seems I shall be able to say nothing to anyone. I do not like it. It pains me that even ... Babu is not able to clarify the matter. He is efficient and noble-hearted. If he is seeking only my guidance, why are these strange things happening? Do people say yes to me merely to please me? If you do so, you would betray your own country. It makes no difference to me, but betrayal of the nation would bring no good. There is no reason to believe that all that I say is correct, but saying yes to whatever I say would make both of us guilty. Your consent should spring from your heart. If you are not convinced by my words you must try to persuade me. But we should not agree with anyone just in order to please him. The things that are happening in Bihar are extremely shameful. Please note it down in your diary that if things go on like this, once again India will have to be under the domination of the big three, viz., Britain, the United States, and the Soviet Union. It would not be wrong if I say that the events in Bihar, Bengal and the Punjab are hindering India's freedom. You are the leaders here. If the leaders themselves lack unity, harmony and principles, how can I expect these in others?

18. *An excerpt from the proceedings of the Constituent Assembly of India on Monday, the 28th April 1947*

The Third Session of the Preliminary Meeting of the Constituent Assembly of India commenced in the Constitution Hall, New Delhi, at Eleven of the Clock, Mr. President (the Hon'ble Dr. Rajendra Prasad) in the Chair.

PRESENTATION OF CREDENTIALS AND SIGNING OF THE REGISTER

The following Members presented their credentials and signed their names in the Register:

1. Sir Brojendra Lal Mitter (Baroda).
2. Mr. Gopaldas Ambaidas Desai (Baroda).
3. Mr. P. Govinda Menon (Cochin).
4. Sir T. Vijayaraghavacharya (Udaipur).
5. Sir V.T. Krishnamachari (Jaipur).
6. Pandit Hiralal Shastri (Jaipur).
7. Mr. C.S. Venkatachar (Jodhpur).
8. Mr. Jainarayan Vyas (Jodhpur).
9. Sardar K.M. Panikkar (Bikaner)
10. Raja Lal Shiva Bahadur Singh, Rao of Churhat (Rewa).
11. Mr. Lal Yadhendra Singh (Rewa).
12. Sardar Jaidev Singh (Patiala).
13. Sardar Gian Singh Rarewala (Patiala).
14. The Hon'ble Dr. Kailash Nath Katju (U.P.: General).
15. Professor K.T. Shah (Bihar: General).
16. Mr. Mahavir Tyagi (U.P.: General).
17. Mr. Upendra Nath Burman (Bengal: General).
18. Mr. P.M. Velayudapani (Madras: General).

PRESIDENT'S ADDRESS

We are meeting just three months after the last session of the Assembly. In the meantime some important events have happened to which I consider it necessary to make a short reference. Before doing that I have to give to the House the sad news of the death of three of our Members:

1. Raja Maheshwar Dayal Seth from U.P.,
2. Sir Azizul Haque from Bengal, and
3. Mr. K.L. Mazumdar from Baroda.

The death of the last named gentleman has come as a shock because of the tragic circumstances in which it took place. I understand that he was on his way to attend this Session of the Assembly and the railway compartment in which he was travelling caught fire as a result of which he lost his life. I seek the permission

of the House to convey to the members of the bereaved families our sympathy with them in their bereavements.

I may on behalf of the House be permitted to extend a cordial welcome to the representatives of the States who are attending this Session and I hope representatives of other States will also be coming soon to assist in the great work which this Assembly has undertaken. I need hardly point out that the tremendous task in which we are engaged requires and expects assistance from all sons and daughters of this country whether they are living in States or in British India and whether they belong to one community or another. The future of the country very largely will depend upon the Constitution which we are able to frame and not only the people of this country but people all over the world are watching our efforts with interest not unmixed with anxiety and it is up to us, to whatever class or community and whatever part of India we belong, to make our contribution towards the accomplishment of this task.

News has come from our neighbour and erstwhile partner Burma that a Constituent Assembly has been elected there with objects similar to our own. May I on behalf of the House convey to that august body our greetings and good wishes and our great interest in the accomplishment of the task and the attainment of the object of a free Burma that the people of that country have before them?

Since we met last the British Government have declared their intention to transfer power to Indians by June 1948. This has naturally added urgency to our work and we must proceed in a business-like way to draw up our Constitution in as short a time as we can. The British Government is pledged to take preparatory measures for transfer of power in advance, and while this is being done, we must be ready with our Constitution well in advance of the date-line to assume responsibility in accordance with the Constitution framed by us. I am, therefore, hoping that the Assembly will proceed with all expedition. There are undoubtedly difficulties which the Assembly will have to face but if we proceed with determination we shall be able to conquer them.

It will be recalled that the Assembly appointed several Sub-Committees. The Reports of four of these Committees will, I understand, be placed before the House in due course. I suggest that the Assembly should proceed to appoint Committees to formulate the principles on which the Constitution to be framed will be based and when those principles have been approved the work of drafting the Constitution could be undertaken by a suitable agency and finally the Constitution so drafted could be considered in detail by this Assembly. My suggestion to the Assembly will be that the Sub-Committee for framing the principles should be asked to submit its report in time for consideration by the Assembly sometime in June or July and after the report has been considered by the Assembly, the drafting could be done and the Assembly itself could meet in September and finalise the Constitution by the end of October. This is roughly the time-table as the Order of the Business Committee and I envisage it. It is necessary that the Constitution should be finalised as early as possible so that

there may be time thereafter for the process of transfer to be completed within the time fixed by the British Government. What I have suggested is tentative as developments are taking place and no one can say for certain what steps the Constituent Assembly may have to take to fulfil its functions. We have already defined our objective and the Constitution that has to be framed will naturally have to conform to it.

Whatever the nature of the Constitution that may have to be drafted, whether for one undivided India or only for parts of it, we shall see to it that it gives satisfaction to all coming under its jurisdiction. While we have accepted the Cabinet Mission's Statement of 16th May which contemplated a Union of the different Provinces and States within the country, it may be that the Union may not comprise all the Provinces. If that unfortunately comes to pass, we shall have to be content with a constitution for a part of it. In that case we can and should insist that one principle will apply to all parts of the country and no constitution will be forced upon any unwilling part of it. This may mean not only a division of India but a division of some Provinces. For this we must be prepared and the Assembly may have to draw up a constitution based on such division. Let us not be daunted by the immensity of the task or diverted from our purpose by developments which may take place but go ahead with faith in ourselves and the country which has sent us here....

19. *Mahatma Gandhi's talk with Dr. Rajendra Prasad at Bhangi Nivas, New Delhi, on 2 May 1947*

I do not wish to stay here for long. I hold that if I am able to do something in Bihar or Noakhali, it will have far-reaching consequences in the whole country. Even if we get Swaraj, if there is no peace in people's hearts it will not be of much use. And I believe that I can do more work there than here. But here I am a prisoner of Jawahar and the Sardar. If they release me I would like to leave by the first available train.

20. *A talk by Mahatma Gandhi at Bhangi Nivas, New Delhi, on 4 May 1947*

I admit that our struggle for freedom had not been purely non-violent. Had all Congressmen honestly followed true non-violence, we would not have been today in a state of utter confusion. It is becoming clear to me day by day that what we regarded as non-violent fight was not really so. Otherwise the dragon of communalism would not have raised its head amongst us; untouchability would have been a thing of the past, distinctions between employer and employee would have ceased to exist and both would have performed body-labour alike without

any distinction. Nowhere have we heard it happen the way the honour of our daughters and sisters is being violated in broad daylight in our country. Had we followed the path of truth and non-violence we would not have seen human hearts so devoid of humanity, and society would have been well-organised and without any trace of animosity. Today we do not see a single good sign. Everywhere Congressmen are being condemned and people seem to have lost faith in them. The Muslim League may not trust us, but even the States have become indifferent towards us. You and, maybe I too, are to blame for this. Had we followed truth, non-violence and sacrifice one hundred per cent, not only the masses but even children would have revered us. Instead the atmosphere is quite different. Even now we should realise our mistake and retrace our steps. Otherwise sixty years' glorious record of the Congress will be wiped out within a decade.

Unless we kindle the flame of unadulterated non-violence and truth within ourselves we shall not realise our goal of complete independence. With that light kindled within us, the tendency towards violence will automatically vanish and riots will be brought under control.

Nevertheless I do not presume that the police will have absolutely no place in a vast country like India inhabited by such a diversity of people. In a situation like this, if we are unable to manage things without the aid of the army, how can we say that we will do without the police? No doubt I cherish a fond vision that we may be able to do without the police, for I would call them not 'police' but 'social reformers'. They will be the servants of the people, not their masters.

Just as in training for violence one learns to kill, similarly in adopting non-violence one should learn the art of dying. There is no place at all for fear in non-violence. Not only that, one has to develop the spirit of sacrifice to such a high degree that one would not hesitate to sacrifice one's family, property and even one's life. A votary of non-violence should fear God alone. One resorts to violence to protect one's physical body. But we should realise that the body is perishable and it is the soul which really matters. And in order to protect the honour of one's soul there is no alternative to non-violence.

There is no school where such non-violence can be taught. Our non-violence is tested only when we act with courage. Today we are being put to this test and in my opinion we have failed in the test. Otherwise every four-anna member of the Congress should have been engaged in quelling the riots or should have died in the attempt. Instead they dare not save their neighbours from being butchered. I have even heard of instances where people ran away in panic to save their lives leaving behind their wives, mothers, sisters and daughters in peril. I shudder when I hear such tales. What cowardice on our part! A truly non-violent person should brave the danger and prove his worth. The courage of a non-violent person is many times superior to the courage of a violent person. But who listens to me? I do, however, hope to meet death, if anyone should come to kill me, without a trace of anger, calmly, with a smile, and all the while remembering my chosen God. I believe that God will grant me this strength. If there is any

shortcoming or ego in me its proof will be found in the hour of my death. I used to talk about living up to 125 years but I no longer have the desire because every day I see only falsehood and treachery all round me. I am, however, growing daily stronger in my conviction that God will bless me with a death befitting a non-violent person.

21. *Presidential Address of Dr. Rajendra Prasad at the Fifteenth Conference of Registrars of Cooperative Societies at Madras on 12 May 1947*

1. The cooperative movement has been with us now for nearly half a century. During this period, it has passed through many vicissitudes, but, on the whole, the general expansion cannot be said to have been affected. The movement has been working long enough for us to pause and reflect. On the one hand, we have to look backward and estimate our achievements and failures. On the other hand, we have to look forward and decide the lines along which expansion and progress should be directed.

2. It started with the organisation of cooperative credit societies under the Act of 1904. The kind of societies visualised there was the type that obtains now, namely, the rural society composed of agriculturists with unlimited liability. Rapid growth of the movement made it necessary to remove some of the defects of the previous Act. The result was that the Cooperative Societies Act, 1912, which can be said to be the basis of the present cooperative movement, was passed. Under this Act legal recognition was given to societies organised for purposes other than credit and the distinction of rural and urban societies was abolished. With the passing of this Act the number of cooperative societies increased considerably and new types of societies for the sake of production, purchase of manure, retailing of farm implements, better housing, sanitation, primary education, and so on, came into being. In 1919 cooperation became a provincial subject. Since then in every Province emphasis has been laid on the type of cooperation that suited the Province. Up to 1929 the movement grew in strength, but on account of the depression which began in that year it received a severe set-back. Accordingly, from 1929 up to the beginning of the war, emphasis in the cooperative movement was more on consolidation and rehabilitation rather than on expansion. It was but natural that on account of the need for reorganisation, official control on the movement increased during this period. When war began the agricultural prices started going up in common with other prices. The cooperative movement received an impetus. The members repaid their debts, deposits with cooperative banks increased. In fact they increased so rapidly that, with the proportionately smaller demand for loans, the banks were faced with the problem of surplus funds. The significant feature of the movement during the war was the growth of consumers' cooperative societies and stores especially for the procurement of foodstuffs. Cooperative marketing also grew.

In the post-war period which has just begun, we are now confronted with the problem of fitting the cooperative movement in the general plan for the economic development of the country.

3. In the earlier years, the movement was confined to the provision of rural credit, based on the principle of unlimited liability. The development of cooperation was guided and controlled by the Government; Government control had both advantages and disadvantages. The advantage was that an experiment in social economics, largely dealing with the poor cultivators, was started with the authority of Government behind it and this helped to sustain the movement in its infancy in spite of failures here and there. We must accept that this foundation has been of immense value in making possible much rapid development in the later years. At the same time, with the development of a cooperative consciousness among the more intelligent public, several leading non-officials interested themselves in the development of cooperation. It would be true to say that, under the conditions of Government then existing, the cooperative movement offered about the only opportunity for the Government and the public to get together for improving the conditions of life of the people. Under the Reforms Act of 1919, cooperation became a provincial transferred subject, and was placed under the charge of a Minister. During this period, there was considerable development. Non-credit cooperation came to increase in importance. Provincial legislation, to suit the special conditions of each Province, was introduced. Non-official institutions for propaganda and education were encouraged. Certain Provinces appointed committees of enquiry to report on the progress of the movement. It was clear by then that the movement had taken root in the country and both official and non-official opinion came to be directed towards guiding its future along proper lines. The depression during the last decade no doubt checked the rapid expansion of the movement but it helped to focus attention on defects that naturally assumed importance during a period of stress and strain, and, in this sense, had a beneficial effect on the movement. During the war, the elaborate controls instituted by the Government imparted a stimulus to consumers' societies—a side aspect of the movement, which has long continued to be rather weak—and marketing activities, by the cooperative method.

4. The Cooperative Planning Committee have defined cooperation to be "a form of organisation in which persons voluntarily associate together on a basis of equality for the promotion of their economic interests. Those who come together have a common economic aim which they cannot achieve by individual isolated actions because of the weakness of the economic position of a large majority of them. This element of individual weakness is to be overcome by the pooling of their resources, by making self-help effective to their mutual aid and by strengthening the bond of moral solidarity between them." The essentials of the cooperative movement as distinguished from other forms of organisations are (a) the willing cooperation of the members, and (b) the recognition of the democratic principle as evidenced by the practice of one man having one vote and not more.

It is those principles which make the cooperative movement so different. As has been said, "Economic security could conceivably exist with a high degree of material prosperity in the slave state, but at the price of slavery." That kind of economic security is however hardly worth having.

5. In formulating policies of further development of the cooperative movement so as to suit the needs of this stormy post-war world in which we find ourselves, it is well to remember how eminently suitable the cooperative method is to the peculiar problems of India.

6. Two Committees set up by the Government of India, namely, the Agricultural Finance Sub-Committee presided over by Professor D.R. Gadgil, and the Cooperative Planning Committee of which Mr. R.G. Saraiya was the Chairman, agree that the cooperative movement will provide the best solution of many of our problems. Cooperation is primarily a poor man's organisation. It fits in with an economy in which the small cultivator is the central figure. As an individual the cultivator is weak and cannot hope to stand up against the gigantic forces that lead to his exploitation. Through cooperation he acquires strength. At the same time the cooperative method affords sufficient freedom to the individual, unlike extreme forms of planned state control in which the individual is perhaps better housed and better fed and clothed, but is drilled into a uniformity that cannot but ultimately stunt his stature as a human being. There is an element of democratic freedom inherent in cooperation and this freedom has to be prized above all things. The freedom of the individual, however, has to be used for the benefit of the community of which he is a part, and it is this healthy compromise between discipline and freedom that is embodied in the cooperative method—"all for each and each for all". One cannot think of a more wholesome philosophy for a country of self-reliant cultivators living in communities small enough for one person to know another, and willing to pool their resources and create social and economic unity and strength. The various organisations in the cooperative movement have to be conceived and created in this combined spirit of advantage to one's self and benefit to others. Without the background of this ideology, individual institutions will lose much of their significance.

7. In turn, this background of the cooperative movement points to the importance of looking at cooperation more as a way of life than as a series of separate institutions for specific purposes. The various forms of cooperation are intended to subserve the varying needs of the cultivators, the labourers and the general public. All these various institutions together help the individual to lead a better life. The cultivator should be made to feel that the cooperative movement can help him at all stages. It affords credit for redeeming past debts through land mortgage banks. For his cultivation expenses it extends facilities for securing good seed, manure and implements. It is a healthy sign that these facilities are increasingly being provided in kind rather than in cash. Societies for consolidation of holdings help to arrest the evil of fragmentation. He can improve his land by digging wells or raising bunds by loans of a medium dated character. The cooperative society purchases his produce, stores it and sells it for him, thereby

helping him to secure fair prices for his produce which he has to sell. His daily needs are met by the consumers' society which secures to him what he needs to purchase at fair prices. Cottage industries to occupy the spare time of the cultivator and his family offer a fruitful field for cooperative effort. Thus the movement contacts the cultivator at every point. This is proper and healthy, and the tendency to bring together as many aspects as possible in one institution which has a "multi-purpose" character is to be welcomed. It is true that the movement originated with credit, and that original sin still sticks to it. Even today the primary credit society is the base of the movement, but it has to be enlarged so as to move one step higher up and provide those facilities for which credit is utilised. The cooperative circle will then start with the provision of seed and manure, and will be completed by the marketing of the produce.

8. That credit should have played and should continue to play such a important part in the movement is but natural inasmuch as the want of it or the lack of the capacity to command it at reasonable rates is the greatest weakness of the small man. The two Committees have accordingly recommended that the financial structure should be reconstructed so as to provide agricultural producers with an agency of credit alternative to the private money-lender. The village money-lender is and has been the target of much criticism. Whatever his sins may be, it must be admitted that in the absence of credit societies he played a most useful part in supplying credit. His terms may have been exorbitant and his methods not always and in all cases quite honest. But I cannot help saying that I have seen cooperative credit societies charging something like 15 per cent per annum as interest on the loans advanced by them, and that when they had not only the benefit of the unlimited liability of all the members of the society for the default of any member but also of the legal right to claim facilities for quick realisation of their dues. The village money-lender had none of these and if he charged more than 15% interest in some cases for the extra risk involved, I for one would not be prepared to blame him. Dishonest dealings of those who indulged in them are apart and of course deserve strongest condemnation. One great weakness of the cooperative movement proceeded from what we regarded as its strong point. Cooperative societies could not charge interest at lower rates from their borrowers, when to attract deposits they were themselves paying 7 or 8% to their depositors. The unlimited liability of their members and the facilities for enforcing their claims created a facile complacency and loans were advanced which did not fall strictly within the objects for which they could be advanced and further hardly any check was exercised on the utilisation of the loan by the debtor who very often used it for non-productive purposes. The natural consequence was strict enforcement of the rules for realisation of the debt, taking over of lands in lieu of the debt not only of the debtor but in many cases of others who had unwittingly assumed unlimited liability and had been too lazy to see to it that the debtors did not abuse the trust and thus throw their own liability arising out of their impecuniousness on others. When debts could not be realised in spite of all this, societies were unable to fulfil

their obligations to the cooperative banks, and the latter in their turn closed their doors in several cases and those who had deposited their savings and earnings in the hope of getting interest at a higher rate than was available from other banks lost heavily not only the interest but in some cases also their principal. Efforts were made to stop the rot and Provincial Governments came to the rescue of the movement after this period of depression, and but for the events that followed the starting of the World War II the movement in many places would have collapsed. In any scheme of reorganisation the defects and weaknesses should not be lost sight of and should be provided against.

9. The Gadgil Committee have recommended that the alternative agency should be an Agricultural Credit Corporation to which the State should provide a part of the working capital and take responsibility of administration. It is further recommended that each State or Province should prepare separately a scheme for such a Corporation for themselves. The Saraiya Committee however feel that much time may be lost in preparing such a scheme and recommend that the existing number of cooperative banks and other central cooperative financing organisations should considerably be reconstituted. Whatever may be the form of the organisation, it is clear that our cooperative movement would have to be strengthened and reorganised so as to save our agriculturist from the clutches of the unscrupulous money-lender and to provide him with a more satisfactory and adequate form of credit. Further, cooperative societies should be reformed and reorganised so as to serve as a centre for the general economic improvement of its members. It is considered that it should develop into a multi-purpose society. It should not only finance crop production, but also act as an agent for the sale of crop; supply the farmers with seed, cattlefeed, fertilisers and agricultural implements; serve as a milk collecting station for the nearest dairy and as a centre for animal first-aid; serve as a centre for maintaining agricultural machinery for joint use of members; and encourage subsidiary occupations for its members. The Cooperative Planning Committee has suggested that a target should cover 50% of the villages in British India and 30% of the rural population within the ambit of the reorganised primary societies within a period of 10 years in two 5-year periods. The membership of a primary society should be at least 50. To reach the target it will be necessary to increase the number of members in the existing societies and to start new societies and it has been calculated that 1.7 million members should be added to the existing 97,357 societies and 21,600 new societies should be established annually for 10 years. It has further been recommended that the Government should give a subsidy amounting to 50 per cent of the cost of management to all the societies—old and new—for the first five years.

10. We have met here in this Conference to consider these and other recommendations of the Cooperative Planning Committee which are of a very far-reaching character and involve heavy cost. In doing so we shall have to bear in mind that cooperation is a provincial subject and the Government of India can only guide and suggest and offer such financial and technical assistance as it can

afford; but the burden of giving effect to and implementing the recommendations will fall mainly on the Provinces. It is possible that in the new set-up which will follow in train of the impending constitutional changes the scope of the functions of the Central Government may be still further circumscribed. Whatever the future may bring, we have to give our considered views on the recommendations and a detailed agenda has been prepared for the Conference.

11. I now indicate only some of the points of principle which should receive the careful attention of the Conference. Of these the first and foremost is the suggestion to increase and widen the scope of cooperative activities from being very largely credit societies to multi-purpose societies. In this connection the question whether the liability of members should be limited or unlimited is one of fundamental significance. Another question of importance is whether cooperation can at all have recourse to compulsion in any form, and, if so, the extent to which it can go in that direction. Cooperation is based primarily on voluntary association and this should not be departed from. But there may be certain activities essential for economic progress, like consolidation of holdings, crop production or irrigation in which the desired object may not be attained without resort to compulsion and the question arises as to what may be regarded as essential schemes and what should be the proportion of the community which through cooperative societies could make its decisions binding on others. A third fundamental point requiring consideration is the extent of Governmental control, interference and assistance in the affairs of cooperative societies. Apart from these and such other questions, there are other recommendations dealing with details relating to each particular kind of activity that cooperative societies may undertake. These relate to supply of agricultural credit, cooperative farming, milk production and supply, cooperative marketing of agricultural produce, small and subsidiary industries, consumers' cooperatives, urban credit, cooperative housing societies—urban and rural; cooperative insurance including life insurance, fire insurance, cattle and crop insurance, general administration and training of workers, and propaganda etc. I would invite the Conference to take up the consideration of these according to the agenda.

12. I am glad and grateful to have this opportunity of joining in your deliberations and hope the decision we shall be able to arrive at will result in expanding and strengthening the cooperative movement which holds out such a rich promise of progress for the great bulk of our vast population. We have to tackle the problem of the poverty of our masses and improvement of agriculture and animal husbandry and expansion and improvement of industries are essential for this purpose. We have to tackle the problem of illiteracy and insanitation and disease and in all these and many other spheres cooperation has a great part to play. The prospects are vast and varied and it requires a correspondingly increasing interest on the part of the people at large to be evinced and taken in the work. That depends upon the numbers of workers available and even more upon the qualities of head and heart and the equipment of those who will choose this line of public service. It requires an ever-increasing

number of enthusiastic public-spirited workers imbued fully with the spirit of cooperation and in the difficult and interesting times ahead let us hope we shall get them.

22. *Address of Dr. Rajendra Prasad, Member for Food and Agriculture, at the opening of the International Rice Study Group, on the 16th of May 1947, at Trivandrum*

There is a critical shortage of rice not only in India but all over the world and this primarily affects South East Asia where 90% of the world's rice is produced and consumed. This rice shortage has coincided with world wheat shortage so that it is difficult to supply wheat in place of rice. The rice consuming regions are the poorer parts of the world—poorer in health, resources and prosperity. Their normal diet is itself much below nutritional levels which are accepted as minimum and a shortage of supplies means not a tightening of the belt but starvation for millions and the imminence of famine. Its importance in the national economy of the Asian countries needs special mention. The rice countries are predominantly agricultural and their agriculture is predominantly that of rice. Thus rice plays a leading part in the total economy of the countries, unlike wheat which is grown and eaten in countries which have manufactures and other forms of national wealth. Rice is the food of countries that have a high density of population which is also increasing rapidly. Quick but permanent measures to increase its output and rationalise its distribution cannot be put off any longer. As between wheat and rice the former is a world cereal, with a well-organised market and a level of production which is tending towards the optimum in advanced countries. Rice, on the other hand, is an Asiatic cereal, the food of the poorer portions of the world, with a low level not only of production but also of nutrition for those who live on it, and a distribution system that is anything but modern or rational.

India is the second largest rice producing country in the world. It has an output of roughly 28 thousand tons or roughly half the total cereal output of India. India has been the home of rice from time immemorial. In Sanskrit the word *dhanya* which is now used to express rice, stands for all kinds of cereals and a variation for all forms of wealth. It is not therefore surprising if our people of old devoted considerable attention to it and developed many varieties and methods of cultivating, preserving and utilising the grain which still hold their own. We still have a kind of self-growing weed-like variety which gives us edible grain which may well have been the ancestor of the present highly developed and cultivated varieties. It was from this weed that the recluse who lived in forests and devoted all their time and attention to meditation untroubled by thoughts of producing food derived their sustenance as they simply picked up what was supplied by nature. On the other hand we have varieties based on the size and fineness of the grain, on

its taste and flavour, on its keeping quality, on the kind of soil on which it can be grown, on the amount of water it requires and on the method of cultivating it. We have certain varieties which require little water and may be grown more or less like other cereals; and side by side we have varieties which are grown in deep water so much so that the harvest has to be reaped from boats, the ears alone being cut off and taken, the stalk being left in the deep water. Rice is grown in flat alluvial fields no less than on hillsides where the method of terracing is adopted to retain the water required. We have thus rice grown under a variety of conditions, both irrigated and unirrigated, and in places from sea level to altitudes of more than 3,000 ft. We have places where one crop is grown in several years and against that we have also land on which three crops are raised in the course of a year. There is a story current among our people in the north that a new crop is raised and harvested every day in Orissa and the offerings at the temple of Jagannath at Puri consists of rice so harvested every day. The story is of course only a story but it indicates the traditional belief that it is possible to raise as many crops of rice as one wishes to. Even while travelling to this place I have seen paddy standing in the fields in all stages of growth. It is the principal crop of the south and east of India just as wheat is of the north and west of India. The use to which rice is put is equally varied. There are parts where rice is eaten only occasionally—say, on a day of festival or as a dish of luxury especially prepared for an honoured guest or as diet for a sick man. There are other places where hardly any other cereal is used, and I am told that in Travancore where we are meeting today a man would rather go without a meal than eat any other cereal. Our people have not failed to utilise the culinary art in making a variety of dishes from this single simple grain. Nor were they unprepared to meet an emergency if on account of the failure of rains a crop wholly or partially failed. They have developed methods of storing and preserving the grain for long periods, and in the north every well-to-do cultivator is expected to be able to produce rice several years old out of his preserved stock, if he is at all keen about his prestige as a good farmer.

With all this the average level of production is very low, being about 800 lbs. to the acre, whereas in advanced countries and even in India under superior conditions yields four times this are realised. Scientific data regarding stations that yield more, that withstand flooding, are disease-resistant, are more suited to local climate, are adjusted to local water supply conditions, are not complete. There is need for several research stations all over the country to take up these problems. Only about 20% of the crop is under irrigation. The area under protected water supply has to be increased. Rice receives practically no manure worth mentioning. Quantities of manure applied to rice crop have to be increased severalfold. Cultural practices have to be improved so as to use more modern equipment. Improved seeds have to be used over larger areas. On the side of storage after harvest provision for it has to be made on an extensive scale to meet modern requirements. Cooperative federations for storage and marketing have to be organised. Thus at every stage the work that lies ahead is immense. It will be

true to say that we have not touched even the fringe of the rice problem in India.

India is a deficit country in the matter of her cereals production, and cereals are practically the only main item of our food. Even after adding grams which are only auxiliary food, there is a heavy deficit. This is one side of the picture. On the other side, population is increasing every year. The producing and food distributing Departments of the Government have thus to tackle two problems of deficit—an existing deficit and an increasing deficit. Quick but permanent measures are necessary for meeting the first—the existing deficit—and long-range measures are necessary for curing the second.

In solving the problem of recurring deficits and growing population rice will naturally play a dominant role, particularly in the economy of the countries where it is principally grown and consumed. Its importance should be recognised fully and necessary attention given to it. One happy sign of this recognition is this gathering that I witness here and I hope it is only the harbinger of others to follow.

The idea of “one world” has to be implemented in the political and economic fields. There can be no question but that no country can afford to look on when another country is starving or is ill-clothed. The U.N.O., the I.E.F.C, and the F.A.O. are concrete expressions of the idea of “one world”. The nations are like one family, with big brothers and little brothers, with youthful members and old members. The big brothers who have grown up have to help the little brothers, the youthful members have to give their support to the older members. It is a happy idea of the F.A.O. to call together a group of experts to first study the various problems connected with the world production and distribution of rice. Our aim should be on the production side to increase yield and quality and on the distribution side to see *that no one has too much when someone has too little*. This equality is the very basis of any international organisation in the economic sphere. There is need for a permanent international body to deal with these problems which will always recur. This body should have a research side; an information side; a distribution side; a propaganda side. Its work will then be of lasting value to the rice growing and rice eating countries. Considering that nearly 90% of the rice producing and rice consuming areas lies in South East Asia, the location of the organisation to deal with rice problems in that area is clearly indicated.

We are grateful that it has been given to India to welcome this Conference and I am confident that the labours of the Group will lead to a better and more realistic approach to the problems of rice and contribute largely to their solution. With these words I declare the Group open and wish it all success.

23. *Speech by Mahatma Gandhi at a prayer meeting in New Delhi on 28 May 1947*

Brothers and Sisters,

I am happy that no one created trouble or raised any protest today. I am sure frenzy cannot last forever. The same applies to Hindu-Muslim clashes. I

continue to get letters, a few of them nice. Some good Muslims write to me that it does not matter if Hindus and Muslims follow different religions. They should not feel separate at heart on that account. Some Hindus even threaten me with dire consequences if I do not stop the recitation from the Koran. They say that they would come here with black flags. And what will they do after coming here? The atmosphere is such that people do not bother to see or hear anything, they just create rows. They too will come and disturb the prayer. But even if such a thing happens, our prayer will continue to be held so long as you give me your peaceful cooperation. But if all of you should come with black flags, I would have my prayer by myself. I would continue to recite Ramanama even if you assaulted me. Even if I have the police to protect me from you or I wield a sword or a gun, I have to die ultimately. Then what is the harm if I die with the name of Rama on my lips? When I die in such a manner, you would feel remorse. You would tell yourselves that you did a terrible thing and gained nothing by killing me. But if I have police protection or if I beat you up, you would remark after killing me that it was just as well that I was killed. But I hope you will remain as peaceful as you were when you came.

Today I would like to answer some of your questions. Of course, I cannot answer all the questions today. Yesterday somebody asked what we should do with a mad dog, whether we should not kill it. This is an odd question. He should have actually asked what should be done when a man went mad. But the fact is that if we have God in our hearts even a dog cannot behave madly with us. Once a friend of mine came to ask me what should be done with a mad dog that was biting everyone. I told him that the dog should be killed and the responsibility would be mine. But it was a matter concerning a dog. I cannot apply this to human beings. I remember when I was about ten, a brother of mine had gone mad. Afterwards he was cured. He is no more. But I remember him well. In a fit of madness he would rush out and strike everyone. But what could I do to him? Could I beat him? Or could my mother or father beat him? Nobody in the family beat him. A vaidya was called in and he was asked to treat my brother in every possible manner except by beating him. He was my blood-brother. But now I make no such distinctions. Now all of you are like my blood-brothers. If all of you lose your sanity and I happen to have an army at my disposal, do you think I should have you shot? Even an enemy may not be shot if he goes crazy. Anyone who goes mad should be sent to a lunatic asylum. You ought to know that there are a number of such asylums in India. I have actually seen such mad persons who really deserve to be shot. But we leave them to the care of the doctors.

I used to have an intimate friend who was almost like a brother to me. His son became mad and when seized by madness would rush out to kill people. I did not suggest to my friend that his son should be shot. I could have had him shot if I wished, because I was called a mahatma. And, in our country, a mahatma enjoys the right to do anything. He may commit murder, indulge in acts of debauchery or whatever else he chooses; he is always pardoned. Who is there to question him? But I feared God. I thought that I was answerable to God, if to no one else.

As a matter of fact there is no mahatma in our midst these days. All are alpatmas.

Anyway, I had the boy sent to a doctor. He ran away from him too. He is still not restored. He has children, and all the members of the family are with him. We must try to find out a way of dealing with this madness, as in the case of my friend's son.

Today our blood is boiling. We hear from all sides speculations about June 2. At first there were clashes at three or four places. Now there is talk of killing all the Hindus. And the Hindus would ask why, if the Muslims kill us, we should not kill them in turn. They too would want to spill blood. If this is not madness, what else is it? I trust that you, who are seated here so peacefully, would not give in to such frenzy. If the people who are caught in the frenzy are bent upon killing us, we would let them do so. Would they be cured of their madness if we let ourselves be killed? The prevailing madness is not such as would blind us to all reason. Even when a really mad person rushes towards us with a knife in his hand, we should face the danger. We do not panic. Similarly, if the Muslims come with raised swords screaming for Pakistan, I would tell them that they cannot have Pakistan at the point of the sword. They must first cut me to pieces before they vivisect the country. If everybody talks to them in the same vein, God would cleave their sword asunder. I am a poor helpless fellow. But you will see my courage when the occasion arises. I will not then wield a lathi against a lathi. I wish we would not meet madness with madness. If we remain sensible the madness on the opposite side will disappear. Their [craze for] Pakistan will die down too. If theirs is a true Pakistan, it would have to be the entire Hindustan.

If you got into a frenzy the British would ask if non-violence was meant only for them. They would accuse us of indulging in mutual violence, and ask us whatever had happened to our non-violence. They would describe themselves as superior to us, as paragons of non-violence, and say that even if they resorted to force, they at least maintained order. They have to rule after all; and they may quite justifiably argue thus. But I would tell them that they should not do so. They have got to go and they will go because of our non-violent struggle. Here millions of people have shown the courage of non-violence. You did not bow down to the Union Jack. You courted imprisonment and allowed yourselves to be ruined. It is as a result of all this that we are about to be independent. But now we are not talking about gaining independence on the strength of that courage. Today we are behaving in a manner that must invite the world's contempt.

But we must never do such a thing. You will attain true freedom when, instead of killing others, you die yourselves.

Lord Mountbatten is coming. All are apprehensive about what he might bring. If he offers something to the Hindus, why should the Muslims get into a state? And, if he offers something to the Muslims, why should the Hindus get frightened? Let us not look up to him, nor watch for June 2; let us look at ourselves.

If he does not give us anything, shall we all become so mad as to massacre old

people, children and women?

The second question is why the members of the Interim Government are dancing to the tune of the British. Are there only three communities in India, namely, the Hindus, the Muslims and the Sikhs? Why are Parsis not consulted? Is it because they possess no arms? And if the Parsis were to be invited, for what fault are the Christians to be left out? And then, why not the Jews? The question is quite pertinent. I am also pained by this situation. The Congress is for all. All people support it. Then why is it wanting in courage? It does not belong exclusively to the Hindus. True, the majority of Congressmen are Hindus but there are others too. If the Hindus, Muslims and Sikhs come to an agreement among themselves, would they crush the Parsis? Would the Jews and the others have to perish? And, after coming to a settlement with them, what shall we do with the rest? Shall we discard them? They would ask if that was their reward for supporting the Congress in its first stages. They would want to know why the Viceroy should talk only to certain members of the Interim Government. Is it because Jawaharlal is a very big man? Or because the Sardar is the hero of Bardoli? Or because Rajendra Babu is a great scholar and Rajaji has a great intellect?

I wish to tell you that these are not the only persons in the Congress. All of you belong to it. All those who have stood by the Congress and worked for it belong to it. Those who do not go on deputations and are not vocal are as much members of the Congress as anyone else. If these three communities come to some settlement in utter disregard of the others, it would be a very unhappy situation and their curse would fall on us. Hence, let us realise that whatever we do should be equally in the interests of all the communities.

When the Muslims also realise this, things will proceed very well. Then the document signed by Jinnah Saheb and me, that we should not resort to violence for the attainment of political objectives, will be accepted by all as reasonable.

24. Gandhiji's discussion with Dr. Rajendra Prasad on 4 June 1947

He told Dr. Rajendra Prasad that the first thing for them should be to lighten the burden of taxation and implement in full the constructive programme to which Congress had pledged itself. The politics of the country should be based on it. That did not require much cleverness but determination and honesty of purpose. For instance, universalisation of khadi was simplicity itself, but if they yielded even by a jot in the matter of creating new mills, their khadi scheme would come to naught. They must not succumb to filling the exchequer like the previous Government.

I am also of the opinion that we should introduce fresh blood into the Congress organisation. Because Congressmen have gone to prison, it does not mean that they should now hold all administrative jobs as a reward for their past sacrifices.

On the contrary, shedding all prepossessions and party prejudices we should freely make use of administrative talent and experience wherever it is to be found, even outside the Congress ranks.

This particularly applied to the Indian States. There was a vast fund of experience, knowledge, administrative talent and statesmanship in the States, which could be put to use with greatest advantage to the country.

I am sure they will be able to give us much that we lack and need. Congressmen know how to give fight, fill jails, but they lack the art of government, never having had any experience of administration. The States can provide us with all that if we know how to tap and utilise it.

25. Gandhiji's discussion with Dr. Rajendra Prasad on 6 June 1947

If all the leaders join the Cabinet, it will be very difficult to maintain contact with the people at large. The result will be that opportunists and enemies of the Congress will incite the people and our poor people will easily fall a prey to their propaganda. That is why I suggested even in my prayer speech that a Harijan like Chakrayya or a Harijan girl should be made the nation's first President and Jawaharlal should become the Prime Minister. If similar arrangements are made in the Provinces too, we shall have gained two ends at the same time. The leaders will be able to keep in touch with the people and young men and women will get trained.

26. Proceedings of a meeting of the Cabinet held on Friday, the 6th June 1947

SECRET

(Case No. 137/30/47: Administrative Consequences of Partition)

PRESENT

His Excellency the Viceroy.

The Hon'ble Member for External Affairs and Commonwealth Relations.

The Hon'ble Member for Finance.

The Hon'ble Member for Home and Information & Broadcasting.

The Hon'ble Member for Commerce.

The Hon'ble Member for Food and Agriculture.

The Hon'ble Member for Communications.

The Hon'ble Member for Education and Arts.

The Hon'ble Member for Industries and Supplies.

The Hon'ble Member for Transport.
The Hon'ble Member for Health.
The Hon'ble Member for Defence.
The Hon'ble Member for Labour.
The Hon'ble Member for Works, Mines and Power.
The Hon'ble Member for Law.
The Private Secretary to His Excellency the Viceroy.
The Secretary to the Cabinet.
The Deputy Secretary to the Cabinet.

MINUTES

His Excellency said that he wished to explain the reasons that prompted him to discuss the paper on the administrative consequences of partition at his meeting this morning with the 7 Indian leaders before putting it to his colleagues. Speed was of the essence since the target date fixed was the 15th August both for putting through the Parliamentary legislation and for the work that had to be done here, and he thought it would help in setting up the requisite machinery with the utmost expedition, if he could ascertain the views of the leaders, five of whom were, in any case, members of the Cabinet. It was almost certain that the vote in the Provincial Legislatures would be for Pakistan. Consequently, we should very soon have two sovereign Governments in existence. The only bodies which at present could be said to represent them were the Congress and the League. He had, therefore, felt that there were good and sufficient reasons for including the respective Presidents of those organisations in those discussions. He has now taken the earliest opportunity of placing before the Cabinet the paper prepared by his staff on the administrative consequences of partition as revised in the light of those talks.

Continuing, His Excellency said that the time factor was so pressing that he considered it essential that the proposed Partition Committee should be a whole-time body and should, therefore, be separate from the Cabinet. He sought the approval of his colleagues to its being given plenary powers by means of an Order-in-Council to call for such information as it required and to take decisions. He himself would offer the benefit of his own experience and that of his personal staff to assist in working out and putting in a clear form, before those who would have to make the decisions, the details and possible alternatives which they would, of course, be at liberty to accept or reject. A possibility which had since occurred to him was that it might be desirable to have both a partition committee and a tribunal of carefully selected judges.

In the course of subsequent discussion the following points were made:

(1) The Partition Committee, which might more appropriately be called a Separation Committee, would deal with an existing government on the one hand and an embryonic state on the other. Partition, moreover, would cover the whole range of Governmental activity, and it would create an anomalous

position for the Cabinet to have a Committee independent of itself. The Committee should, therefore, be formed by and derive its powers from the Cabinet. Its composition would, of course, have to be decided by agreement between the parties.

(2) Differences, when they arose, would be very largely on a political plane, and it would be more expeditious if the Committee were to be presided over by His Excellency the Viceroy. If these differences were referred to a judge umpire or a judicial tribunal, there would arise serious delay. His Excellency did not, however, wish to be placed in a position when he would have to arbitrate. With the best will in the world, very soon he would displease one or the other, if not both parties, since the tendency inevitably would be for each side to forget decisions given in its favour, and only to remember those given against it! His Excellency would, of course, be prepared to assist by presiding and in his capacity as Chairman endeavour to get the differences resolved by argument and discussion, and when agreement proved impossible, at least to get the differences reduced to a minimum, and thereafter to refer them to a judicial tribunal, which would be an impartial body (but not a higher authority) and which would be directed to give its decision within a specified period of time.

(3) It was inadvisable to create a new standing tribunal to which everyone would look for final decisions. If it was considered desirable to refer any particular problems to the tribunal for a decision, an ad-hoc body could be set up for that purpose. The composition of such a tribunal or tribunals would, of course, have to be settled beforehand so that it or they could be called into being at a moment's notice. It was essential that the embryonic governments should bind themselves to accept the decision of such a tribunal.

(4) Since the Committee would have to enquire into the business of the Government of India which was only in official knowledge, it was undesirable that outsiders should be associated with it. Moreover, the tendency would be for the Secretariat staff to regard the Committee as a supreme body and it would not be possible for Hon'ble Members to carry out their ordinary administrative duties in that atmosphere. Consequently, if any persons had to be appointed on the Committee who were not already members of the Cabinet, they should first be made members of the Cabinet. It was contended that the Committee would only be collecting material and no question of divided allegiance among the Secretariat staff need arise.

(5) Prior to the legal decision on the question of partition it would be odd to set up a body composed of persons not in the Cabinet, thereby giving to the world the incorrect impression that division had already been decided upon. It would, however, be in keeping with normal practice for the Cabinet to appoint a Committee of its own. This could proceed to create the detailed machinery necessary but need not take decisions until the question of partition had been legally decided by the vote of the Provincial Legislatures, and a Partition Committee set up.

Summing up, His Excellency said that we were dealing with an unprecedented

problem. We had only 71 days in which we had to solve it. He would put the procedure which appeared generally to be agreed upon before the leaders tomorrow for their acceptance.

DECISION

The Cabinet agreed:

(1) that a Committee of the Cabinet should be appointed with H.E. the Viceroy as Chairman to work out the machinery for implementing the partition (and that H.E. should consult the leaders informally regarding its composition);

(2) that the Committee's report should be completed as early as possible and placed before the Cabinet for consideration (and that H.E. should, if possible, obtain the leaders' reaction to it beforehand);

(3) that when the question of partition had been legally decided, and after the members of the existing Cabinet had resigned, a Separation Committee should be set up by His Excellency in consultation with the leaders, with H.E. as Chairman. It was noted that H.E. would not act as arbitrator in this Committee but would merely assist in resolving differences between the two parties or at least in reducing them to the minimum;

(4) that there should be set up along with the Separation Committee a standing tribunal or a panel of umpires to whom points of difference, which could not be resolved, could be referred;

(5) the material collected by the Cabinet Committee and details of the machinery set up will be placed before the Partition Committee for ratification.

27. Gandhiji's talk with Dr. Rajendra Prasad on 10 June 1947

We ought to take warning from this. If I could free myself from here, I would like to tour all over the country and launch a new movement among the youth to throw themselves into constructive work. I can see their enthusiasm to do something for the country. But it is getting no sustenance and there is every danger of its running into a wrong channel. I sensed the malady from which our country is suffering, long ago. We, top leaders, are getting old. Before we pass away, we should devote whatever strength God has given us to train younger people to shoulder the responsibility of building up the India of our dream just as we trained them before as non-violent soldiers for the freedom struggle. People cannot be trained for the serious tasks ahead unless at least a portion of the top-ranking leaders remain outside the Government to work among the people.

28. Speech by Mahatma Gandhi at a meeting of the All India Congress Committee held in New Delhi on 14 June 1947

Brothers and Sisters,

I wish I had made some preparations for this meeting. Unfortunately I could not. You will no doubt agree that no one could be as much hurt by the division of the country as I am. And I don't think that anyone can be as unhappy today as I am. But what has happened has happened. You know of my efforts in the building up of the Congress. Why was the Congress Working Committee formed? When a government has to be run, even if it is a government of the people, a cabinet of ministers has to be appointed. Our Working Committee performs a similar function. It acts in your name. You have the power to keep it going or to dismiss it. The Working Committee has on your behalf accepted partition. Now we have to consider what our duty is. If you want to throw out the resolution you can do so. But you cannot make any changes in it. If the Congress Working Committee has done this, it has done so deliberately and for certain weighty reasons. And this decision has been taken jointly by the Congress, the Muslim League and the British Government. The Working Committee does not approve of the scheme in its entirety. But even so it has accepted it. The Cabinet Mission plan had been devised by the British Government, but not this new plan. Both the Congress and the League have a share in its formulation. If you reject it, the world will call you irresponsible. You must therefore go along with those who have acted on your behalf. If you want to reject it, you must remember that what the country needs most today is peace. If you are sure that your rejecting the scheme will not lead to further breach of the peace and further disorders you can do so. Whatever you decide to do, you must do after a great deal of deliberation.

So many things are happening today which bring to mind the English saying about swallowing a camel and straining at a gnat. The decision that has been arrived at has been reached with your complicity and yet you complain of the Working Committee, the Working Committee which has men of such great calibre on it. Those people had always said that the Congress would not accept Pakistan and I was opposed to Pakistan even more. However, we may leave aside my position. The decision has not been mine to take and the Working Committee has accepted it because there was no other way. They now see it clearly that the country is already divided into two camps.

But our constitution permits it and your duty demands it that if you feel that the Working Committee is in the wrong you should remove it, you should revolt and assume all power. You have perfect right to do so, if you feel that you have the strength. But I do not find that strength in us today. If you had it I would also be with you and if I felt strong enough myself I would, alone, take up the flag of revolt. But today I do not see the conditions for doing so.

We have great problems to tackle and mere criticism cannot help in the solution of great problems. It is easy to criticise but doing some work is not so easy. The Congress has to its credit some important achievements but the

Congress so far has not borne the responsibility of Government. It has not even had a look at it. It was kept busy by work which was even more important. Everything cannot be done at the same time. When now the responsibility of Government has devolved on us we have gladly accepted it and we have detailed some of our best workers for the job. There they have to grapple with some very intricate problems. They have to attend to the affairs of millions of our countrymen.

I criticise them, of course, but afterwards what? Shall I assume the burdens that they are carrying? Shall I become a Nehru or a Sardar or a Rajendra Prasad? Even if you should put me in their place I do not know what I should be able to do. But I have not come here to plead for them. Who will listen to my pleading? But the President said that I should at least show my face here. Hence I have come to show my face and to speak a few words.

It is most important that you should understand the times. The demand of the times is that we should bridle our tongues and do only what will be for India's good.

You will have seen from the newspapers what I have been doing these days. But you may also hear it from me. If through me something has been spoiled then it is my duty to use all my power for putting it right. It is open to me whether to spoil it further or to mend it. I shall cite here the example of Rama. His father went mad and his mother became foolish and Rama was exiled. The people of Ayodhya were grieved but it all led to something glorious coming out at the end. I do not consider the Ramayana as history but the lesson that is to be drawn from it is of daily use. It would be wrong to believe that Ravana had ten heads. But there was a Ravana that was adharma. It was this Ravana that Rama killed during his exile and saved dharma.

This is what we have to do today. We have to draw something good out of this bad thing. I am not the one to be upset by defeat. From my childhood up I have spent my life fighting and my struggle has been to extract good from evil. If there is gold in mud, even if there is a lot of the mud and very little gold, it should not be thrown away. We should draw out gold and diamond even from mud.

This decision put both our religions on trial. The world is watching us. In the three-quarters of the country that has fallen to our share, Hinduism is going to be tested. If you show the generosity of true Hinduism, you will pass in the eyes of the world. If not, you will have proved Mr. Jinnah's thesis that Muslims and Hindus are two separate nations, that Hindus will for ever be Hindus and Muslims for ever Muslims, that the two will never unite, and that the Gods of the two are different. If, therefore, the Hindus present at this meeting claim that India is their country and in it Hindus will have a superior status, then it will mean that the Congress has not made a mistake and that the Working Committee has only done what you secretly wanted.

But if you want to save dharma you must be true Hindus. There are only a hundred thousand Parsis in India. Our ancestors gave them shelter and set an example in world history. Must we now kill them? And what shall we do with the

Jews? We must so treat them that they will enjoy perfect freedom here. And what about the untouchables? It is said that Islam has risen to abolish untouchability. If you say that untouchables are nothing, the Adivasis are nothing, then you are not going to survive yourselves. But if you do away with the distinction of savarna and avarna, if you treat the Shudras, the untouchables and the Adivasis as equals then something good will have come out of a bad thing. There should be no distinction of high and low in a democratic polity. But if we oppress them and oppress those following other faiths then it will mean that we do not want India to survive, that we are out to destroy it. It does not matter if the land is divided. But if we divide the hearts then what the Congress Working Committee has done has been well done.

It is not a small thing that some States should secede from India. It is a very serious thing. Today and yesterday at the prayer I said a great deal about the States. I shall briefly repeat here what I have been saying. I myself come from a native State. Time was when I myself used to be severe with the States people telling them not to force their burden on the Congress for we were fighting against a third power and the States people also were giving us help in our fight. I had wanted them to consolidate that strength. But now, with the British gone, we cannot let the Princes do as they please. Those of them who now want to be independent should ask themselves what good the British ever did them. They were content to be vassals of a foreign government, the British Government, for so many years, but now that the millions of India are going to have the reins of power in their hands, the rulers refuse to be subservient to the people's government. I must tell the Dewans of all the States that if they do not advise the rulers to join the Constituent Assembly, they would be showing disloyalty to the rulers. We do not want to be enemies of the Princes. If they want to be independent they may be independent. We shall not imprison them. If they want to stay on in the country, they must understand that their subjects are with us. If they do not want to stay in the country they may go and settle down in Paris or elsewhere. But if they want to remain in India they must remain as servants of the people. They must understand the implications of democratic government. They must concede that all men are created equal. They must not don the mantle of superiority. Only then can they survive for ever. They must recognise the paramountcy of the people as they recognised the paramountcy of the British Government. Then they can freely carry on in their own States. Only they cannot carry on as they did during the days of the British regime, plundering the people. They must dedicate themselves to the service of the people and become their true friends.

29. *Gandhiji's talk with Dr. Rajendra Prasad and others at New Delhi on 22 June 1947*

You do not know it but only yesterday I went to Hardwar and the hardships of the people there made me very unhappy. One can have an idea of the life women

and children are leading there only if one has actually gone through it. But we are not ordained to have that kind of experience. In a few days the rains will arrive. Only God knows what will happen then. There is so much work to be done and yet all of us are sitting idle. I do not understand it. This is the chief difference between the foreigners and us. When five of us meet we plan big schemes, talk about them, but in the way of implementation the result is zero, whereas the people outside will have no peace till they have achieved what they decided on. These days I receive heaps of letters. Everyone thinks that we are now sure to get Swaraj, so why not by some means or other get into positions of power? I feel very unhappy when I read such letters and tell this girl to say in reply: "Bapu has no power. Yes, if you want to do scavenging work, you can come with a broom and a basket. He has the power to give that work because he is himself a scavenger."

I do not want to visit the Himalayas. But first I want to have a look at the tragic scenes of mass killing in Hardwar, Noakhali, Bihar and the Punjab. You have just seen the striking natural beauty of the Himalayas. I have seen the reverse. I have seen to what extremes the stone hearts of human beings can go. What is going on in the Frontier Province today? How much a great man like Khan Saheb has to suffer? Only I can understand his unhappiness. It is only God who keeps him alive. His physical health is so bad that the less said about it the better. But he does not care. His intestines do not function at all. But he has never paid any attention to that. He roamed about in the villages of Bihar in the hot sun. He never bothered whether he had anything to eat or not. Whenever he got time he slept on the floor using his only pair of clothes wrapped in a towel as a pillow. He loves this girl very much and therefore he accepts services from her. He improved in health when she daily cooked new dishes for him to eat and looked after him. Manu broke down when he embraced her while taking leave but the eyes of a Pathan like Khan Saheb were also filled with tears. Who knows how much that Khudai Khidmatgar has still to suffer. But he is a brave soldier. He is born for the sake of the country. He will bravely face all the hardships that come his way and when the time comes he will embrace death with smile on his face. Of that I have not the least doubt.

30. *Commander-in-Chief's paper No. 4/47 of 23 June 1947*

TOP SECRET

RETENTION OF BRITISH OFFICERS

23 June 1947

1. It will be remembered that at a meeting of the Defence Committee (India) on Friday 25 April last it was agreed that the total nationalisation of the Armed

Forces, originally planned to be completed by June 1948, would be held up until a political decision had been taken on the main issue of separation.

2. I have always stated my firm conviction that it is not practicable to reconstitute the Armed Forces as required by the Partition decision and to give effect to the complete nationalisation of their officer cadres at the same time.

Therefore, the services of a number of British officers and also of certain British other ranks and ratings must be retained with all three Services during the process of reconstitution.

To regularise the situation and to enable me to ascertain to what extent British officers and other ranks would be willing to continue to serve with the Indian Armed Forces during their reconstitution, I request that a public announcement be made by the Partition Committee on behalf of the two new Dominion Governments to be set up, that those Governments will desire to retain the services of a number of British officers and other ranks during the process of the reconstitution of the Armed Forces.

3. The numbers of British officers now serving in the Indian Armed Forces are approximately:

R.I.N.:	RIN (Regular)	150
	RIN (Reserve)	70
	RN (on loan)	20
		240
Army:	Indian Army: Regulars	2,500
	ECOs	2,000
	British Service attd.	3,700
		8,200
Air Force:	General Duties	630
	Technical	
	Other Branches	
		630

4. To ensure the wholehearted cooperation of such British officers and other ranks as it may be necessary to retain, it is essential that they should serve as volunteers and not be subjected to any form of compulsion. I consider that the number of British officers required, initially at any rate, will approximate to the totals given in paragraph 3. Whether this number of volunteers will be forthcoming it is not yet possible to say.

5. There is every reason to believe that, in the present circumstances, many serving British officers are not really desirous of continuing their service in India. This attitude is the result of the frequent and emphatically expressed desire of Indians of various shades of opinion to be rid of the British officer element in

the Armed Forces; and the markedly unfriendly and mistrustful attitude frequently adopted towards them by some Indians; and their disappointment that, for political reasons, the forces—of which they are so justly proud—are to be remoulded into separate entities.

6. It must be appreciated, therefore, that it is asking a great deal of the British officer, after hearing the cry "Quit India" reiterated so loudly and so often in the past, to acquiesce readily to a request to stay. For this reason, I think Indian leaders must say publicly that they need the help of British officers. Such a statement should encourage the officer to hope that he will be respected and trusted and treated as a friend which is what he desires.

7. This paper refers to officers. There will be problems of a similar nature affecting some of the British ratings and other ranks serving with the Indian Armed Forces whose retention will be required, but I assume that their treatment will follow the same lines as that accorded to the officers.

C.J.E. Auchinleck, F.M.
Commander-in-Chief in India

31. *Corrigendum No. 1 to Partition Office Memorandum No. 14/P.O./1054, dated 18th June 1947 (as printed on 23rd June 1947)*

Partition Office
New Delhi
26 June 1947

1. Add the following additional clause to the terms of reference of Departmental Sub-Committees of Expert Committee No. 1 on page 3, Annexure II:

"and in the case of Departmental Sub-Committee for Home/Legislative Department, the following clause will be added:

'To consider and make recommendations regarding the consequences of partition on the work being done in the Secretariat of the Governor-General (Public)/Secretariat of the Governor-General (Reforms).'

2. On pages 4 and 5 in Annexure II,

- (i) against Departmental Sub-Committee No. 5 (Central Board of Revenue), for Mr. Rahman substitute Mr. M. Ilmuddin;
- (ii) against Departmental Sub-Committee No. 12 (Political), for Major Shah substitute Mr. Ikramullah and add the following as Members:
 - 3. Mr. G.K.S. Sarma
 - 4. Mr. Mumtaz Hasan;

- (iii) against Departmental Sub-Committee No. 17 (External Affairs), for Major Shah substitute Mr. Ikramullah;
- (iv) add a new Sub-Committee (of Expert Committee No. 1) No. 19 (Legislative Assembly Department) with Mian Mohd. Rafi and Mr. M.N. Kaul as Members.

3. On page 6 in Annexure II, number the existing note as Note No. 1 and add the following as Note No. 2:

“Departmental Sub-Committee No. 12 (Political) should make recommendations regarding the assets and liabilities created in connection with the functions of His Excellency the Crown Representative.”

4. On page 6 in Annexure II, under the composition of Expert Committee No. III (i)—Central Revenues, for Mr. Rahman substitute Mr. M. Ilmuddin.

5. (a) On page 6 in Annexure II, insert the following as the composition of Expert Committee No. V (i)—(Currency, Coinage and Exchange):

- | | |
|-------------------------|---------------------|
| 1. Sir Ghulam Mohammad. | <i>Secretaries:</i> |
| 2. Mr. Zahid Husain. | 1. Mr. H.S. Negi. |
| 3. Mr. K.G. Ambegaokar. | 2. Mr. Anwar Ali. |
| 4. Mr. B.K. Nehru. | |
| 5. Dr. I. Qureshi. | |
| 6. Mr. M.V. Rangachari. | |

5. (b) On page 7 in Annexure II, insert the following as the composition of Expert Committee No. V (ii)—(Budget and Accounts).

- | | |
|-------------------------|--------------------------------|
| 1. Mr. Seshu Iyer. | (Secretaries to be selected by |
| 2. Mr. Bashir Ahmad. | the Committee itself from |
| 3. Mr. A. Subrahmanyam. | amongst its own Members.) |
| 4. Mr. M. Shoaib. | |
| 5. Mr. M.V. Rangachari. | |
| 6. Mr. Anwar Ali. | |

5. (c) On page 7 in Annexure II, insert the following as the composition of the Departmental Sub-Committees of Expert Committee No. V (ii):

(1) *Railways*

- 1. Mr. I.S. Puri.
- 2. Khan Bahadur Obaidullah.

(2) *P. & T.*

- 1. Mr. M.K. Sen Gupta.
- 2. Mr. M. Hashim.

6. On page 7 in Annexure II, in the composition of Expert Committee No. VI, for Mr. Rahman substitute Mr. M. Ismail.

7. On page 7 in Annexure II, in the composition of Expert Committee No. VII, for Mr. Rahman substitute Mr. M. Ilmuddin.

8. On page 7 in Annexure II, in the composition of Expert Committee No. IX, add the following as Members:

5. Mr. M. Ikramullah.

6. Mr. C.S. Jha.

32. *A note by V.T. Krishnamachari on Union Finance in relation to States*

Delhi

29 June 1947

The object of this note is to indicate in a general way the principles which should regulate the financial relations between the Centre and the States. The views expressed are my personal views.

2. It is open to States either to establish a political relationship or to become units in the Federation.

3. To take first the States that elect to establish a political relationship. These are clearly under an obligation to bear their proportionate share of the cost of the defence of India and of the general Central administration. It is understood that the standard expenditure on defence has been recently fixed in the neighbourhood of Rs.110 crores. Four-fifths of this may be taken as the standard after excluding the areas that are seceding—that is, about Rs.88 crores or Rs.90 crores in round figures. Then there is the proportionate cost of the Central general administration. Such States will have arrangements with the Union covering all matters of common concern, such as railways, posts and telegraphs, etc., and they should, therefore, contribute not merely a portion of the cost of the Political or States Department but also of the whole of the Central administration. It is not possible to estimate from the Government of India's budget for 1947-48 what this would be. It has first to be decided on what basis the proportionate share of such expenditure for the State concerned should be calculated. The per capita population basis would not be altogether fair. The degree of development of the State industrially and the ratio of urban to rural population are important relevant factors. Having arrived at an approximate figure, the next step will be to deduct from it the contributions already paid by the people of the State. The largest of these, in the case of inland States, is the share of the customs revenue of India paid by the people of the State. Next comes the share of the Central excises borne by the people, as excises are essentially taxes on consumption. Deductions are claimed on other grounds also, e.g. ceded

territories. The conditions under which this claim should be admitted and the form in which credit should be given are matters for negotiation and settlement. Then again, there is the expenditure incurred by a State on earmarked Field Service troops which fit into the general plans for the defence of India. The net amount left after deductions are made will have to be made good by the State in an agreed manner. A balance sheet like this is easy enough to work out, once general principles are laid down.

4. I now come to States which decide to become units of the Federation. Such States should not be called upon to bear a larger financial burden than the States which establish a political relationship. The Union has a close interest in the solvency and financial well-being of these States and the standard of social services in them and any scheme of financial adjustment arrived at should be such as would not cause serious dislocation in the States. I doubt whether any rigid time-limit should be prescribed in the Constitution Act itself within which such States should make their full contribution to defence. In the more backward areas the reform of the fiscal system needed will take quite a long time. These remarks apply specially to the replacement of the land customs by other sources of revenue: the introduction of alternative forms of taxation will take more than 15 years in many States.

5. There is also another point. In enumerating "sources of revenue for the Union", we should differentiate between taxes raised for meeting the obligations of the Centre and taxes raised by the Centre for distribution to the Provinces. Items (6) and (7)—succession duties and estate duties—come under the latter category. These should be made available for the Provinces so that they may be able to find funds for their development programmes. They are best levied Centrally as Central levy alone can be efficient and economical. In times of emergency, a Central 'surcharge' may be levied; but ordinarily they are provincial sources. The Act of 1935 brings out their nature.

6. I also think that a provision analogous to section 125 of the Government of India Act should be inserted in the Constitution Act. At present the major States have organised services administering 'Union' subjects and it is obviously advantageous that this should be continued subject to the condition indicated in that section.

V.T. Krishnamachari

33. *A note by Sir N. Gopalaswami Ayyangar on the Report of the Union Powers Committee*

30 June 1947

Though for the sake of getting on with the work I signed the report of the Union Powers Committee yesterday, I am not altogether satisfied with it. It

suffers in places from some loose thinking and certain lack of precision and accuracy. It is true that, in a report of this kind, there is no need to insist on absolutely correct drafting, but in view of the personnel of the Committee it was essential to avoid giving room for criticism of what would be spotted as obvious errors.

2. The significance was not sufficiently realised of the distinction which, in the Cabinet Mission's Plan, has been made between the three Union *subjects* of Foreign Affairs, Defence and Communications and the *power* to raise the finances required for these subjects. The assignment of a *subject* to a grade of government without any limitations carries with it the title to exercise all powers—legislative, executive or judicial—required for the administration of those subjects and as administration involves expenditure which has to be met by adequate funds, the powers necessary to raise the finances required for such administration did not need, strictly speaking, to be mentioned. The specific mention of such powers in paragraph 15 (1) of the Cabinet Mission's Plan must have been intended simply to place the matter beyond all doubt, in view of the different points of view taken by the Congress and the Muslim League as regards the manner in which the Union would raise the finances required. The actual language in that sub-para must, therefore, be deemed to indicate that the Union Government would have the widest freedom in raising whatever finances it might need.

3. The Committee accepted this view in the wording of the preamble of paragraph 2 (D) of the report. This preamble is intended to indicate:

- (1) that the power to raise finance is wider than the power to impose only specified taxes, and
- (2) that though the list in para 2 (D) mentioned a number of taxes it would still be open to the Union when the need arises for doing so to impose other taxes. In other words, both the Union and the units will have concurrent jurisdiction over a large field of taxation.

4. It should be obvious to anybody who has given thought to the subject that the finances which the Union could raise would comprise not only the proceeds of taxation but also the funds raised by public borrowing, the sale proceeds of or income from Union property, both movable and immovable, contributions from units (e.g. the contributions which certain Indian States pay to the credit of the Government of India at present if they are continued in the future also) and possibly other miscellaneous receipts of a varied nature. When this was pointed out to the members of the Committee they agreed to add public loans only in the preamble of paragraph 2 (D). Contributions from Indian States are nowhere mentioned in the lists given in the report. And, curiously enough, 'Public Debt of the Union' and 'Property of the Union and the revenue therefrom' are two items included in paragraph 3 which refers to powers implied or inherent in or resultant from the express powers of the Union. These two items do not require to be

treated as implied or resultant. They are as much express powers as taxation included in the general heading 'Powers to raise finances'. In fact, when we are listing the matters—under each of the 4 broad categories—which are all to be specified in the Constitution, it would be anomalous to label some of them as implied in, incidental to, or resulting from, others.

5. The scheme of the Cabinet Mission is that *subjects* other than those specifically assigned to the Union shall fall within the jurisdiction of the Provinces or States; and, properly interpreted, that scheme would also imply that the power to raise the finances required for unit subjects would vest in the units; only that power should be exercised outside the field annexed exclusively to itself by the Union. There are certain aspects of Communications which necessarily have to be with the units. Certain sources of taxation which the Union may tap may require to be tapped also for meeting unit expenditure. Foreign Affairs may be an exclusive Union subject perhaps. But some of the items included under Defence and Communications will fall both under the Union and the units. Similarly some taxes, like customs, may have to be exclusively Union taxes while others like income tax may fall within the jurisdiction of both the Union and the units. The report has omitted to tackle the difficult problem of what matters listed in it should be treated as exclusively Union and what should be treated as common or concurrent.

6. All the items of taxes listed in paragraph 2 (D) of the Report have been described as sources of revenue *for* the Union. This would be incorrect under the scheme of the Government of India Act, 1935. There was no deliberately taken decision that this deviation from the existing state of things is required under the new order of things; on the other hand it was throughout assumed that for smooth going it was desirable that as far as possible there should be no deviations from the existing conditions. Under the scheme of the Government of India Act succession duties and estate duties in respect of property other than agricultural land are taxes for which the Federal Legislature will only enact the necessary legislation, but the entire net proceeds of such taxes will be distributed amongst the units. Taxes on income other than agricultural income have also to be legislated for by the Federal Legislature though the proceeds from such taxes have to be shared between the Centre and the units. Certain excise duties like those on alcoholic liquor for human consumption, opium, etc., are under the existing Act excluded from the jurisdiction of the Federation. In respect of Corporation Tax an exemption is conferred on Indian States for a period of ten years and thereafter the Indian States are given the option of avoiding the levy of it by paying to the Federation from other sources the estimated net Corporation Tax in their jurisdiction. It is to be hoped that before the regular drafting of the Constitution is taken up these and other matters of substance will be carefully investigated and decisions taken.

7. I am not sure that the additional sub-para which was added to para 2 (D) of the Report at the instance of the representatives of the Indian States could be finally accepted either as regards its substance or as regards its wording. I am

glad, however, that the special concession made to Indian States was limited at the instance of Sir Alladi to a maximum period of 15 years. This matter also would require careful re-investigation before the drafting of the necessary provisions in the new Constitution is taken up.

8. The omnibus paragraph suggesting the inclusion by agreement of an unspecified concurrent list could hardly be justified as it stands. The items should have been gone through in detail and only such of them as were absolutely necessary should have been recommended to be placed in a list of concurrent subjects if ever agreement was going to be reached at all on having such a list.

34. *Draft Press Statement by the Viceroy (as prepared by A.K. Chanda)*

3 July 1947

Now that Bengal and the Punjab have voted for partition, and East Bengal, West Punjab and Sind have voted to form a separate Constituent Assembly for Pakistan, the question of the Governments of the Centre and the partitioned Provinces arises. The Viceroy has called for the resignations of all Members of the Central Government and is asking the leaders each to nominate their own future Governments. Legally these will form Committees of the Cabinet, and meetings will be attended by all members of both Governments.

In view of the fact that the Government of the Union of India will continue in Delhi whilst the Government of Pakistan will move to Karachi, the Union of India Members of the Cabinet will hold their actual portfolios but be responsible only for their future areas. The League Members holding corresponding portfolios will have overriding powers both to refer to the full Cabinet and in the event of disagreement to the Viceroy for his own decision, any proposal which solely or predominantly affects Pakistan and to which they object, or to initiate any action required for the Pakistan areas, which must be acted upon by the Member concerned.

The same system will be followed in Bengal where the existing League Ministry will continue in office for the whole of Bengal, but where the future Government of West Bengal will be brought in with similar powers in regard to their corresponding portfolios.

In the case of the Punjab, which is in Section 93, the Governor will appoint two bodies of Advisers, one from each of the future parts of the Province, to advise on matters concerning their respective territories. It is necessary that the Punjab approach should be in step with what we propose for the division of Central assets and liabilities.

Our representatives on the Central Committees have been working on the assumption that no physical movement of fixed assets between the two territories should be allowed to take place. The two territories would therefore retain these

assets and take over the loan liabilities attaching to their respective share. The unallocable portion would again be divided between the two on a basis yet to be formulated. This approach would be eminently suitable for the Centre as the loan liabilities exceed the book value of assets by a considerable amount and there is no deficiency in physical assets located in the rest of India. The position in the Punjab is just the reverse. Even the book value of the assets in the Punjab largely exceeds the loan liability. Secondly, the main productive asset, the irrigation system, falls in the notional division of the Punjab in the western zone. The Punjab leaders are inclined to the view that they should get credit for a sum of roughly Rs.100 crores on the basis of (1) capitalisation of the irrigation system on the present return capitalised at 4 per cent, and (2) the market value of undisposed of Crown land which has become fertile as a result of the construction of the canal system. Western Punjab might accept the Central plan.

The Central plan has yet to be put to the Muslim members and there are already indications that this might not be accepted by them. There is also the possibility of disagreement on this vital issue and therefore a reference to arbitration. The preliminary work in the Punjab has gone so far forward that some plan or other will have immediately to be decided upon.

The Punjab leaders are not particularly happy with the Central plan but they are willing to accept the plan in the larger interests of the country. But they would want an assurance from the Centre that they would assume responsibility for their solvency. It would be unwise to even putting the Central plan for discussion before the Punjab Committee until it has been accepted in the Centre. There would be no point in sacrificing the Punjab case unless it be in the larger interests of the country. It is a difficult position and a directive which is capable of implementation in the circumstances explained has to be issued.

Another point on which it may be desirable to issue a directive from the Centre is regarding the disposition of officers after the 15th of August. Our side has not accepted the standstill provision in the Central Orders. At yesterday's meeting of the Partition Committee at which I was present, the Muslim representatives wanted an assurance that all the non-Muslim officers who have elected eastern zone would not be automatically withdrawn on the 15th August; otherwise the administrative arrangements on the west would completely break down. In the alternative, they wanted a categorical statement that no officers would be available, so that they could make their arrangements from now. A great deal of controversy ranged around this subject and ultimately the Governor intervened to say that transfer of officers should commence now and the process should be continued to the extent necessary after the 15th of August for a period not exceeding three to six months. The Punjab officials are adamant that they would not serve Western Punjab even for a day after the 15th August. In an informal discussion some of us pointed out that this attitude might be detrimental to the interests of the community for the following reasons:

- (i) a certain number of our officials should continue in the western zone as long as it is possible; and

- (ii) if by complete withdrawal of non-Muslim officers the administrative arrangements break down in the west, retaliatory measures might be taken against the non-Muslim population (roughly 50 lakhs) who would be left behind in West Punjab;
- (iii) by this process a large surplus of officers and subordinates would be thrown up who could not be absorbed against posts elsewhere immediately.

This question is of importance, as all the technical services in the Punjab are largely manned by non-Muslim officers. The irrigation system to which Punjab owes its prosperity might practically break down. This is mainly a political issue and immediate directions seem necessary to the Punjab leaders.

The other important matters which have been discussed in the Partition Committee are mentioned below:

(i) At the first meeting of the Partition Committee held on the 1st July, the Muslim representatives had proposed that a ban on the movement of rice and wheat from the Punjab should immediately come into effect despite the previous commitment made. This question was raised again at the meeting yesterday and the Muslim members agreed to drop their objections presumably as they appreciated that reciprocal measures might be taken by the Centre regarding existing commitments of supplies of coal, steel, cement and cotton textiles, etc.

(ii) At the first meeting of the Partition Committee, it had been decided that a reference to two judges, one to be nominated by each party, should be made regarding the legal position of the Punjab University. This point was also reopened at the second meeting, and on H.E.'s suggestion it was agreed to make a reference to the Centre on the question of jurisdiction of the University and its legal position after the constitution of the two Dominions. The question of the division of assets and liabilities of the University was also raised. While we pointed out that this was not a matter for the Partition Committee inasmuch as the Punjab University was a legal entity under the Statute of 1904 with full powers over their assets and their disposal and disposition, the Muslim members were disinclined to accept this proposition. At H.E.'s intervention, it has now been agreed that the first step is for the Senate (on which we have a majority) to make proposals regarding the division of the functions and assets of the University.

(iii) The question of the division of the High Court was also discussed at the meeting. H.E. stated that he had information that this issue would be settled by the Central Government, but the non-Muslim member of the Steering Committee stated that his information was that no steps had yet been initiated by the Centre in this matter. The High Court goes into recess on the 17th July for two months and it has to be decided whether the Centre or the Provincial Partition Committee would be responsible for effecting a division.

The financial position of Eastern Punjab on the Central plan is indicated in the annexure to this note.

A.K. Chanda

ANNEXURE

The assets of the Punjab Government have been classified into two broad categories:

- (i) productive, and
- (ii) non-productive.

Non-productive assets have further been classified into: (a) of provincial importance, and (b) of local importance. An assessment is now being made of (i) and (ii)(a) above. Roads have not also been included. The value of the productive assets slightly exceeds 59 crores. The value of non-productive assets is not yet completely known, but is likely to be of the order of 16 crores giving a grand total of 75 crores. Most of these assets are located in the Western Punjab.

2. The total debt liability of the Province is 31.5 crores and the financial assets of the Government invested mainly in Central Government securities (other elements being the cash balance at the Reserve Bank and the Treasuries) amount to Rs.29 crores.

3. Applying the Central plan without any variation, the financial assets and liabilities would be divided on the basis of either

- (1) population,
- (2) area,
- (3) respective contribution, or
- (4) a combination of these three.

But this would act to the detriment of Eastern Punjab and a slight modification on the line indicated below would not affect the principle sought to be established regarding the division of Central assets and liabilities.

4. The book value of the physical assets to the extent they exceed the debt liability should be distributed between the two zones also on the basis mentioned above. The most advantageous basis from our point of view would be population. But before my arrival, the two sides had agreed to adopt the weighted average of all three factors. This gives 36 per cent to East Punjab and 64 per cent to West Punjab. The difference between the book value of assets and the debt liability (75—31.5) is 43.5 crores, and represents revenue expenditure on the creation of the assets. The East Punjab having contributed to the revenues, should not be deprived of a cash compensation for assets which for their physical location has to go to West Punjab. Adopting the percentage mentioned above, East Punjab is entitled to a payment of Rs.15.7 crores from the West Punjab. The debt liability will have to be linked to the assets located in the two zones. On this basis East Punjab will have to accept 30 per cent of the debt liability of 31.5 crores or a liability of 9.45 crores.

5. The financial assets of 29 crores will have to be divided also in the ratio adopted for the distribution of the excess of book value of assets over debt

liability, and on this basis East Punjab becomes entitled to a payment of 10.4 crores. In other words, East Punjab would get altogether a sum of Rs. 10.4 crores plus Rs. 15.7 crores, a total of 26.1 crores, and will have to assume a debt liability of 9.45 crores. This need not be a paper debt as Govt. of India securities of this value now held by the Punjab could be transferred to the East Punjab.

35. Points suggested for discussion at the National Flag Committee meeting on 10th July 1947 at 8 p.m. in Council House, New Delhi

CONSTITUENT ASSEMBLY OF INDIA

Council House
New Delhi
9 July 1947

1. National Flag

(i) Colours to be used:

- (a) Exact shades of the colours.
- (b) Width of the stripes of the colours.

(ii) Whether any symbol should be superimposed on the colours:

- (a) Position of the symbol/s on the flag.
- (b) Colour or colours of the symbol/s.

Note: "Flag designing is really a branch of heraldry and should be in accordance with its laws both in the forms and colours introduced. Yellow in blazonry is the equivalent of gold, and white of silver, and it is one of the requirements of heraldry that colour should not be placed upon colour nor metal upon metal; but it is not everyone who knows heraldry, as is evident from the national flags of the South American Republics and other States that should have known better. Even the Popes with their white and yellow, that is silver and gold, have displayed their ignorance of heraldry for over a thousand years, and imposed it on the kingdom of Jerusalem."—Wheeler-Holohan.

(c) Size of the symbol/s.

(iii) Size of the flag: Proportion of the width to the breadth.

Note: The maximum size of the Union Jack ordinarily used is 18 ft. × 9 ft.; the usual one being 12 ft. × 6 ft.

II. National emblem to be used on the state seals, letterheads of state papers, etc.

(i) Composition:

- (a) What symbols should be incorporated?**
- (b) In what order should the symbols be arranged?**
- (c) What should be the predominant symbol?**

(ii) Colour of the emblem:

- (a) Should there be one colour?**
- (b) Should the national colours be used?**

Note: When used as a seal or as a letterhead the emblem will usually be only of one colour; but when it is used as an architectural feature or has to be painted for ceremonial purposes on state furniture etc., it will have to be in colours, and it is therefore advisable to fix the colours.

36. Minutes of the first meeting of the Ad Hoc Committee on the National Flag held on Wednesday, 10th July 1947

**CONSTITUENT ASSEMBLY OF INDIA
(AD HOC COMMITTEE ON NATIONAL FLAG)**

CONFIDENTIAL

**New Delhi
10 July 1947**

Present:

**Dr. Rajendra Prasad (in the Chair)
Maulana Abul Kalam Azad
Mr. C. Rajagopalachariar
Mrs. Sarojini Naidu
Sardar K.M. Panikkar
Mr. K.M. Munshi
Dr. B.R. Ambedkar
Sardar Baldev Singh
Mr. Frank Anthony
Mr. S.N. Gupta
Pandit Hiralal Shastri
Dr. B. Pattabhi Sitaramayya
Mr. Satyanarayan Sinha.**

In attendance:

Mr. H.V.R. Iengar, Secretary

Mr. B.F.H.B. Tyabji, Deputy Secretary.

Pandit Jawaharlal Nehru was present by special invitation.

After a general discussion on the significance and importance of the National Flag, it was agreed that the flag should be so designed as to command universal respect and devotion, irrespective of party or other affiliations, and then placed before the Constituent Assembly for adoption as the National Flag of India.

2. The following decisions were then taken:

- (1) The flag of the Indian National Congress should be adopted as the National Flag with suitable modifications to make it acceptable to all parties and communities in India.
- (2) The size of the flag should be in the proportion of 3 : 2, the former being the length from masthead to fly.
- (3) The flag should be a tricolour with the three bands horizontally arranged.
- (4) The colours should be in the following order: saffron (kafni) on top, white in the middle, and dark green at the bottom.
- (5) The emblem on the flag should be an exact reproduction of the wheel on the capital of Asoka's Sarnath pillar superimposed in the middle of the central band (white) of the flag.
- (6) The colour of the emblem should be dark blue.

3. The question of the designs of the state emblem and seal was then considered, and the following tentative decisions taken:

- (1) The emblem and the seal should be of the same design.
- (2) The design should be an exact reproduction of the whole of the Sarnath Asoka capital till it joins the stem of the pillar (*stambha*).
- (3) The words "Republic of India" should be superscribed round the emblem, and "Seal of the Republic of India" round the seal.

The Committee decided to meet again after a few days when a final decision on the designs of the flag and the emblem will be taken after considering the samples which will be made in accordance with the directions given above.

H.V.R. Iengar
Secretary
10.7.1947

To all members of the Ad Hoc Committee on National Flag.

37. *Speech by Mahatma Gandhi at a prayer meeting in New Delhi on 12 July 1947*

Brothers and Sisters,

Today I have received a letter from a friend which says: "What is happening in the country today is very bad. People who went to jail during the satyagraha movement think they have done something very big which should entitle them to be Prime Minister or Minister or Parliamentary Secretary or Governor of some Province. They think they should have a motor-car. I have also been to prison twice and once I was with you in Yeravda. But I have remained a beggar and no one has ever bothered about me."

If someone has been to jail, has he done a favour to India? If this sort of mentality persists, I fear the Congress will perish. Those who are in the Congress should not even dream of such things. Arguing thus, a Congressman may say that since he has been to jail his son should be married to the best girl in India or that his daughter should be married to the best young man in India. Jawaharlal has not become the Vice-President or the Prime Minister because he has been to jail. If he does not get his salary, he will not starve. Rajendra Babu might have become the Chief Justice of Patna High Court but he voluntarily gave up practice and chose to live the life of a fakir. Rajaji also has not become a minister by virtue of his jail-going. It is not my contention that they are all angels. They are men like us and all men make mistakes. And how many of us can be absorbed in Government offices? It is an unworthy thought and should be given up. We must never think that we should get some reward for having gone to jail. The reward of doing one's duty lies in the duty done.

I have been asked: "Whereas in Pakistan Mr. Jinnah has been made Governor-General, here in India it is the Viceroy who has been made Governor-General. Why should this be so? The battle for India's freedom was fought by the Congress. The Muslim League has had no part in it. Whenever the Congress resorted to civil disobedience or satyagraha the League refused to cooperate. Even so the Congress cannot get an Indian as Governor-General. This is not just. This will mean that we shall be safe only if we kowtow to the British or we shall die." I shall say that under the scheme that will come into effect on August 15, it does not matter whether the Governor-General is an Englishman, a Frenchman or a Dutchman, whether he is a brown-skinned Indian or a White or a Negro. If I had my way a Harijan girl would be the Governor-General. So if Lord Mountbatten becomes the Governor-General he will still be a servant of India. You will say this is the kind of talk to pacify children. Mountbatten, who is a scion of a royal family, will not be anybody's servant. But I am not deceiving you. I do not expect any reward from Lord Mountbatten. So long I have been fighting against him. Maybe you will say that the Congress leaders have been deceived by him. Do you mean to say that Jawaharlal, Sardar and Rajaji are so soft-brained as to be taken in? True, as I have been saying what I had wanted has not come to pass. But Mountbatten will be Governor-General because we want

him. If we did not want him he would not hold that office. But Mr. Jinnah may have chosen to be Governor-General in order to show off. We should not be jealous and we should not be angry. He wants to show to the world what Islam is. Let us see whether he makes of himself a master or a servant. If even a single Sindhi flees, then the responsibility for it will rest on the Governor-General of Pakistan. He will have to be just to all, like Abubaker or Omar, or Ali. I do not say they were all non-violent. But I have in mind their bravery and their chivalry. I understand from the newspapers that originally the idea had been for India and Pakistan to have one Governor-General in common. But Mr. Jinnah later went back on his word. Who was then to prevent him from becoming the Governor-General of Pakistan? In my view he did not do the right thing. When he had once agreed he should have accepted Lord Mountbatten as Governor-General and later if something had gone wrong he could have removed him. Now Islam is to be tested through Mr. Jinnah. He is assuming the Governor-Generalship of Pakistan with the whole world as witness. The world will now wait to see what special virtues Pakistan displays under him. The Congress has always been fighting against the British. Jawaharlal is a simple-hearted man. But the Sardar is a fighter. He used to quarrel with me because I trusted the British. When he himself has been caught up in their wiles, what can you or I hope to do? When he agrees that the Viceroy should be the first Governor-General of India, why should we object? We shall see whether he will serve India as Governor-General or betray her. It will be a new experience. There is wisdom in this and we have nothing to lose. After all we accepted Dominion Status on the advice of the Viceroy. He is an Admiral and a great warrior. Let us have him and if he does not come up to our expectations we can always fight with him.

When I went to see the Viceroy he confided in me that the young man to whom Princess Elizabeth had been betrothed was like a son to him and he hoped that I would write a few words of blessings to him. So when the Viceroy's daughter came to see me two days ago I gave her a letter of congratulation addressed to the couple. She is such a sweet girl. At the prayer I offered her a chair but she declined the offer and sat down with us on the durree. And today I learnt from Rajkumari Amrit Kaur that the young Princess who has got engaged to be married will be the future queen of England because the King has no son. The Viceroy too has no son. Anyway if the Viceroy had been a bad man I wouldn't have been so free with my blessings. I do not consider him a bad man. If Jawaharlal or Sardar Patel had become Governor-General in his place it would have been a dangerous thing. Besides, the Governor-General wields no effective power. He will have to act on the advice of Jawaharlal and his Cabinet. He will only be a figurehead.

But we have got into the way of thinking that Lord Mountbatten has great status and the English are capable only of devilry. Lord Mountbatten therefore will have to prove his honesty and love of justice and I am sure that he has come to India to do only justice.

Many Muslims come to see me these days. They too are nervous about Pakistan. One can understand Christians, Parsis and other non-Muslims feeling

uneasy, but why Muslims? They say they are treated as quislings, that they will receive even worse treatment than the Hindus in Pakistan and after full power has been transferred to Pakistan their association with the Congress will be considered a crime according to the tenets of Shariyat. I do not agree that this is the meaning of Islam. What crime was committed by the Congress having Muslims within its fold? Do Muslims by associating with the Congress become criminals? Do they not say kalama or perform the namaz? Has Islam changed so much since the time of the Ali Brothers? How can nationalist Muslims be called quislings? I do hope that Mr. Jinnah, while he protects the non-Muslim minorities in Pakistan, will also at the same time accord protection to these Muslims.

38. *Programme of the Partition Council meetings*

The following is the programme of the Partition Council meetings at the Viceroy's House and of informal meetings at Sardar Patel's house:

1. Sunday the 13th July—Informal meeting at 8.10 a.m.

Subjects for discussion:

- (1) Policy regarding Assets and Liabilities concerning the Punjab.
- (2) Policy regarding the general trade arrangements with Pakistan.
- (3) Policy regarding Central revenue items—collection and allocation of customs, excise and income tax, e.g. period up to which there should be a sharing of collections, arrangements from the date the collections and administration are separated and sharing of such collections, if any, after the 15th of August.

2. Monday the 14th July—Informal meeting at 5.30 p.m.

- (1) Agenda for the Partition Council meeting on Tuesday.
- (2) Certain questions relating to Finance and Currency.

3. Tuesday the 15th July—Partition Council meeting at 10 a.m.

4. Wednesday the 16th July—Informal meeting at 5.30 p.m.

5. Thursday the 17th July—Partition Council meeting at 10 a.m.

6. Friday the 18th July—Informal meeting at 5.30 p.m.

7. Saturday the 19th July—Partition Council meeting at 10 a.m.

39. *The Indian Independence Act, 1947*

[An Act to make provision for the setting up in India of two independent Dominions, to substitute other provisions for certain provisions of the Government of India Act, 1935, which apply outside those Dominions, and to

provide for other matters consequential on or connected with the setting up of those Dominions.]

18th July 1947

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *The new Dominions.* (1) As from the fifteenth day of August, nineteen hundred and forty-seven, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan.

(2) The said Dominions are hereafter in this Act referred to as 'the new Dominions', and the said fifteenth day of August is hereafter in this Act referred to as 'the appointed day'.

2. *Territories of the new Dominions.* (1) Subject to the provisions of subsections (3) and (4) of this section, the territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in British India except the territories which, under subsection (2) of this section, are to be the territories of Pakistan.

(2) Subject to the provisions of subsections (3) and (4) of this section, the territories of Pakistan shall be

- (a) the territories which, on the appointed day, are included in the Provinces of East Bengal and West Punjab, as constituted under the two following sections;
- (b) the territories which, at the date of the passing of this Act, are included in the Province of Sind and the Chief Commissioner's Province of British Baluchistan; and
- (c) if, whether before or after the passing of this Act but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the North West Frontier Province are in favour of representatives of that Province taking part in the Constituent Assembly of Pakistan, the territories which, at the date of the passing of this Act, are included in that Province.

(3) Nothing in this section shall prevent any area at any time included in or excluded from either of the new Dominions, so, however, that

- (a) no area not forming part of the territories specified in subsection (1) or, as the case may be, subsection (2) of this section shall be included in either Dominion without the consent of that Dominion; and
- (b) no area which forms part of the territories specified in the said subsection (1) or, as the case may be, the said subsection (2) or which has after the appointed

day been included in either Dominion, shall be excluded from that Dominion without the consent of that Dominion.

(4) Without prejudice to the generality of the provisions of subsection (3) of this section, nothing in this section shall be construed as preventing the accession of Indian States to either of the new Dominions.

3. *Bengal and Assam.* (1) As from the appointed day

- (a) the Province of Bengal, as constituted under the Government of India Act, 1935, shall cease to exist; and
- (b) there shall be constituted in lieu thereof two new Provinces, to be known respectively as East Bengal and West Bengal.

(2) If, whether before or after the passing of this Act, but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the District of Sylhet are in favour of that District forming part of the new Province of East Bengal, then, as from that day, a part of the Province of Assam shall, in accordance with the provisions of subsection (3) of this section, form part of the new Province of East Bengal.

(3) The boundaries of the new Provinces aforesaid and, in the event mentioned in subsection (2) of this section, the boundaries after the appointed day of the Province of Assam shall be such as may be determined, whether before or after the appointed day, by the award of a boundary commission appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined,

- (a) the Bengal Districts specified in the First Schedule to this Act together with, in the event mentioned in subsection (2) of this section, the Assam District of Sylhet shall be treated as the territories which are to be comprised in the new Province of East Bengal;
- (b) the remainder of the territories comprised at the date of the passing of this Act in the Province of Bengal shall be treated as the territories which are to be comprised in the new Province of West Bengal; and
- (c) in the event mentioned in subsection (2) of this section, the District of Sylhet shall be excluded from the Province of Assam.

(4) In this section, the expression 'award' means, in relation to a boundary commission, the decisions of the chairman of that commission contained in his report to the Governor-General at the conclusion of the commission's proceedings.

4. *The Punjab.* (1) As from the appointed day,

- (a) the Province of the Punjab, as constituted under the Government of India Act, 1935, shall cease to exist; and

- (b) there shall be constituted two new Provinces, to be known respectively as West Punjab and East Punjab.

(2) The boundaries of the said new Provinces shall be such as may be determined, whether before or after the appointed day, by the award of a boundary commission appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined,

- (a) the Districts specified in the Second Schedule to this Act shall be treated as the territories to be comprised in the new Province of West Punjab; and
 (b) the remainder of the territories comprised at the date of the passing of this Act in the Province of the Punjab shall be treated as the territories which are to be comprised in the new Province of East Punjab.

(3) In this section, the expression 'award' means, in relation to a boundary commission, the decisions of the chairman of that commission contained in his report to the Governor-General at the conclusion of the commission's proceedings.

5. *The Governor-General of the new Dominions.* For each of the new Dominions, there shall be a Governor-General who shall be appointed by His Majesty and shall represent His Majesty for the purposes of the government of the Dominion:

Provided that, unless and until provision to the contrary is made by a law of the Legislature of either of the new Dominions, the same person may be Governor-General of both the new Dominions.

6. *Legislation for the new Dominions.* (1) The Legislature of each of the new Dominions shall have full power to make laws for that Dominion, including laws having extra-territorial operation.

(2) No law and no provision of any law made by the Legislature of either of the new Dominions shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of this or any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Legislature of each Dominion include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of the Dominion.

(3) The Governor-General of each of the new Dominions shall have full power to assent in His Majesty's name to any law of the Legislature of that Dominion and so much of any Act as relates to the disallowance of laws by His Majesty or the reservation of laws for the signification of His Majesty's pleasure thereon or the suspension of the operation of laws until the signification of His Majesty's pleasure thereon shall not apply to laws of the Legislature of either of the new Dominions.

(4) No Act of Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to either of the new

Dominions as part of the law of that Dominion unless it is extended thereto by a law of the Legislature of the Dominion.

(5) No Order in Council made on or after the appointed day under any Act passed before the appointed day, and no order, rule or other instrument made on or after the appointed day under any such Act by any United Kingdom Minister or other authority, shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion.

(6) The power referred to in subsection (1) of this section extends to the making of laws limiting for the future the powers of the Legislature of the Dominion.

7. *Consequences of the setting up of the new Dominions.* (1) As from the appointed day,

- (a) His Majesty's Government in the United Kingdom have no responsibility as respects the government of any of the territories which, immediately before that day, were included in British India;
- (b) the suzerainty of His Majesty over the Indian States lapses, and, with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise; and
- (c) there lapse also any treaties or agreements in force at the date of the passing of this Act between His Majesty and any persons having authority in the tribal areas, any obligations of His Majesty existing at that date to any such persons or with respect to the tribal areas, and all powers, rights, authority or jurisdiction exercisable at that date by His Majesty in or in relation to the tribal areas by treaty, grant, usage, sufferance or otherwise:

Provided that, notwithstanding anything in paragraph (b) or paragraph (c) of this subsection, effect shall, as nearly as may be continued to be given to the provisions of any such agreement as is therein referred to which relate to customs, transit and communications, posts and telegraphs, or other like matters, until the provisions in question are denounced by the ruler of the Indian State or person having authority in the tribal areas on the one hand, or by the Dominion or Province or other part thereof concerned on the other hand, or are superseded by subsequent agreements.

(2) The assent of the Parliament of the United Kingdom is hereby given to the omission from the Royal Style and Titles of the words 'Indiæ Imperator' and the words 'Emperor of India' and to the issue by His Majesty for that purpose of His Royal Proclamation under the Great Seal of the Realm.

8. *Temporary provision as to government of each of the new Dominions.* (1) In

the case of each of the new Dominions, the powers of the Legislature of the Dominion shall, for the purpose of making provision as to the constitution of the Dominion, be exercisable in the first instance by the Constituent Assembly of that Dominion, and references in this Act to the Legislature of the Dominion shall be construed accordingly.

(2) Except in so far as other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion under subsection (1) of this section, each of the new Dominions and all Provinces and other parts thereof shall be governed as nearly as may be in accordance with the Government of India Act, 1935; and the provisions of that Act, and of the Orders in Council, rules and other instruments made thereunder, shall, so far as applicable, and subject to any express provisions of this Act, and with such omissions, additions, adaptations and modifications as may be specified in orders of the Governor-General under the next succeeding section, have effect accordingly:

Provided that

- (a) the said provisions shall apply separately in relation to each of the new Dominions and nothing in this subsection shall be construed as continuing on or after the appointed day any Central Government or Legislature common to both the new Dominions;
- (b) nothing in this subsection shall be construed as continuing in force on or after the appointed day any form of control by His Majesty's Government in the United Kingdom over the affairs of the new Dominions or of any Province or other part thereof;
- (c) so much of the said provisions as requires the Governor-General or any Governor to act in his discretion or exercise his individual judgment as respects any matter shall cease to have effect as from the appointed day;
- (d) as from the appointed day, no Provincial Bill shall be reserved under the Government of India Act, 1935, for the signification of His Majesty's pleasure, and no Provincial Act shall be disallowed by His Majesty thereunder; and
- (e) the powers of the Federal Legislature or Indian Legislature under that Act, as in force in relation to each Dominion, shall, in the first instance, be exercisable by the Constituent Assembly of the Dominion in addition to the powers exercisable by that Assembly under subsection (1) of this section.

(3) Any provision of the Government of India Act, 1935, which, as applied to either of the new Dominions by subsection (2) of this section and the orders therein referred to, operates to limit the power of the Legislature of that Dominion shall, unless and until other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion in accordance with the provisions of subsection (1) of this section, have the like effect as a law of the Legislature of the Dominion limiting for the future the powers of that Legislature.

9. *Order for bringing this Act into force.* (1) The Governor-General shall by order make such provision as appears to him to be necessary or expedient

- (a) for bringing the provisions of this Act into effective operation;
- (b) for dividing between the new Dominions, and between the new Provinces to be constituted under this Act, the powers, rights, property, duties and liabilities of the Governor-General in Council or, as the case may be, of the relevant Provinces which, under this Act, are to cease to exist;
- (c) for making omissions from, additions to, and adaptations and modifications of, the Government of India Act, 1935, and the Orders in Council, rules and other instruments made thereunder, in their application to the separate new Dominion;
- (d) for removing difficulties arising in connection with the transition to the provisions of this Act;
- (e) for authorising the carrying on of the business of the Governor-General in Council between the passing of this Act and the appointed day otherwise than in accordance with the provisions in that behalf of the Ninth Schedule to the Government of India Act, 1935;
- (f) for enabling agreements to be entered into, and other acts done, on behalf of either of the new Dominions before the appointed day;
- (g) for authorising the continued carrying on for the time being on behalf of the new Dominions, or on behalf of any two or more of the said new Provinces, of services and activities previously carried on on behalf of British India as a whole or on behalf of the former Provinces which those new Provinces represent;
- (h) for regulating the monetary system and any matters pertaining to the Reserve Bank of India; and
- (i) so far as it appears necessary or expedient in connection with any of the matters aforesaid, for varying the constitution, powers, or jurisdiction of any legislature, court or other authority in the new Dominions and creating new legislatures, courts or other authorities therein.

(2) The powers conferred by this section on the Governor-General shall, in relation to their respective Provinces, be exercisable also by the Governors of the Provinces which, under this Act, are to cease to exist; and those powers shall, for the purposes of the Government of India Act, 1935, be deemed to be matters as respects which the Governors are, under that Act, to exercise their individual judgment.

(3) This section shall be deemed to have had effect as from the third day of June, nineteen hundred and forty-seven, and any order of the Governor-General or any Governor made on or after that date as to any matter shall have effect accordingly, and any order made under this section may be made so as to be retrospective to any date not earlier than the said third day of June:

Provided that no person shall be deemed to be guilty of an offence by reason of

so much of any such order as makes any provision thereof retrospective to any date before the making thereof.

(4) Any orders made under this section, whether before or after the appointed day, shall have effect

- (a) up to the appointed day, in British India;
- (b) on and after the appointed day, in the new Dominion or Dominions concerned; and
- (c) outside British India, or, as the case may be, outside the new Dominion or Dominions concerned, to such extent, whether before, on, or after the appointed day, as a law of the Legislature of the Dominion or Dominions concerned would have on or after the appointed day,

but shall, in the case of each of the Dominions, be subject to the same powers of repeal and amendment as laws of the Legislature of that Dominion.

(5) No order shall be made under this section by the Governor of any Province, after the appointed day, or, by the Governor-General, after the thirty-first day of March, nineteen hundred and forty-eight, or such earlier date as may be determined, in the case of either Dominion, by any law of the Legislature of that Dominion.

(6) If it appears that a part of the Province of Assam is, on the appointed day, to become part of the new Province of East Bengal, the preceding provisions of this section shall have effect as if, under this Act, the Province of Assam was to cease to exist on the appointed day and be reconstituted on that day as a new Province.

10. *Secretary of State's services, etc.* (1) The provisions of this Act keeping in force provisions of the Government of India Act, 1935, shall not continue in force the provisions of that Act relating to appointments to the civil services of, and civil posts under, the Crown in India by the Secretary of State, or the provisions of that Act relating to the reservation of posts.

(2) Every person who

- (a) having been appointed by the Secretary of State, or Secretary of State in Council, to a civil service of the Crown in India continues on and after the appointed day to serve under the Government of either of the new Dominions or of any Province or part thereof; or
- (b) having been appointed by His Majesty before the appointed day to be a judge of the Federal Court or of any court which is a High Court within the meaning of the Government of India Act, 1935, continues on and after the appointed day to serve as a judge in either of the new Dominions,

shall be entitled to receive from the Governments of the Dominions and Provinces or parts which he is from time to time serving or, as the case may be, which are served by the courts in which he is from time to time a judge, the same

conditions of service as respects remuneration, leave and pension, and the same rights as respects disciplinary matters or, as the case may be, as respects the tenure of his office, or rights as similar thereto as changed circumstances may permit, as that person was entitled to immediately before the appointed day.

(3) Nothing in this Act shall be construed as enabling the rights and liabilities of any person with respect to the family pension funds vested in Commissioners under section two hundred and seventy-three of the Government of India Act, 1935, to be governed otherwise than by Orders in Council made (whether before or after the passing of this Act or the appointed day) by His Majesty in Council and rules made (whether before or after the passing of this Act or the appointed day) by a Secretary of State or such other Minister of the Crown as may be designated in that behalf by Order in Council under the Ministers of the Crown (Transfer of Functions) Act, 1946.

11. *Indian armed forces.* (1) The orders to be made by the Governor-General under the preceding provisions of this Act shall make provision for the division of the Indian armed forces of His Majesty between the new Dominions, and for the command and governance of those forces until the division is completed.

(2) As from the appointed day, while any member of His Majesty's forces, other than His Majesty's Indian forces, is attached to or serving with any of His Majesty's Indian forces,

- (a) he shall, subject to any provision to the contrary made by a law of the Legislature of the Dominion or Dominions concerned or by any order of the Governor-General under the preceding provisions of this Act, have, in relation to the Indian forces in question, the powers of command and punishment appropriate to his rank and functions; but
- (b) nothing in any enactment in force at the date of the passing of this Act shall render him subject in any way to the law governing the Indian force in question.

12. *British forces in India.* (1) Nothing in this Act affects the jurisdiction or authority of His Majesty's Government in the United Kingdom, or of the Admiralty, the Army Council, or the Air Council or of any other United Kingdom authority, in relation to any of His Majesty's forces which may, on or after the appointed day, be in either of the new Dominions or elsewhere in the territories which, before the appointed day, were included in India, not being Indian forces.

(2) In its application in relation to His Majesty's military forces, other than Indian forces, the Army Act shall have effect on or after the appointed day

- (a) as if His Majesty's Indian forces were not included in the expressions 'the forces', 'His Majesty's forces' and 'the regular forces', and
- (b) subject to the further modifications specified in Parts I and II of the Third Schedule to this Act.

(3) Subject to the provisions of subsection (2) of this section, and to any provisions of any law of the Legislature of the Dominion concerned, all civil authorities in the new Dominions, and, subject as aforesaid and subject also to the provisions of the last preceding section, all service authorities in the new Dominions, shall, in those Dominions and in the other territories which were included in India before the appointed day, perform in relation to His Majesty's military forces, not being Indian forces, the same functions as were, before the appointed day, performed by them, or by the authorities corresponding to them, whether by virtue of the Army Act or otherwise, and the matters for which provision is to be made by orders of the Governor-General under the preceding provisions of this Act shall include the facilitating of the withdrawal from the new Dominions and other territories aforesaid of His Majesty's military forces, not being Indian forces.

(4) The provisions of subsections (2) and (3) of this section shall apply in relation to the air forces of His Majesty, not being Indian air forces, as they apply in relation to His Majesty's military forces, subject, however, to the necessary adaptations, and, in particular, as if

- (a) for the references to the Army Act there were substituted references to the Air Force Act; and
- (b) for the reference to Part II of the Third Schedule to this Act there were substituted a reference to Part III of that Schedule.

13. *Naval forces.* (1) In the application of the Naval Discipline Act to His Majesty's naval forces, other than Indian naval forces, references to His Majesty's navy and His Majesty's ships shall not, as from the appointed day, include references to His Majesty's Indian navy or the ships thereof.

(2) In the application of the Naval Discipline Act by virtue of any law made in India before the appointed day to Indian naval forces, references to His Majesty's navy and His Majesty's ships shall, as from the appointed day, be deemed to be, and to be only, references to His Majesty's Indian navy and the ships thereof.

(3) In section ninety B of the Naval Discipline Act (which, in certain cases, subjects officers and men of the Royal Navy and Royal Marines to the law and customs of the ships and naval forces of other parts of His Majesty's Dominions) the words 'or of India' shall be repealed as from the appointed day, wherever those words occur.

14. *Provisions as to the Secretary of State and the Auditor of Indian Home Accounts.* (1) A Secretary of State, or such other Minister of the Crown as may be designated in that behalf by Order in Council under the Ministers of the Crown (Transfer of Functions) Act, 1946, is hereby authorised to continue for the time being the performance, on behalf of whatever government or governments may be concerned, of functions as to the making of payments and other matters similar to the functions which, up to the appointed day, the Secretary of State was

performing on behalf of governments constituted or continued under the Government of India Act, 1935.

(2) The functions referred to in subsection (1) of this section include functions as respects the management of, and the making of payment in respect of, government debt, and any enactments relating to such debt shall have effect accordingly:

Provided that nothing in this subsection shall be construed as continuing in force so much of any enactment as empowers the Secretary of State to contract sterling loans on behalf of any such Government as aforesaid or as applying to the Government of either of the new Dominions the prohibition imposed on the Governor-General in Council by section three hundred and fifteen of the Government of India Act, 1935, as respects the contracting of sterling loans.

(3) As from the appointed day, there shall not be any such advisers of the Secretary of State as are provided for by section two hundred and seventy-eight of the Government of India Act, 1935, and that section, and any provisions of that Act which require the Secretary of State to obtain the concurrence of his advisers, are hereby repealed as from that day.

(4) The Auditor of Indian Home Accounts is hereby authorised to continue for the time being to exercise his functions as respects the accounts of the Secretary of State or any such other Minister of the Crown as is mentioned in subsection (1) of this section, both in respect of activities before, and in respect of activities after, the appointed day, in the same manner, as nearly as may be as he would have done if this Act had not been passed.

15. *Legal proceedings by and against the Secretary of State.* (1) Notwithstanding anything in this Act, and, in particular, notwithstanding any of the provisions of the last preceding section, any provision of any enactment which, but for the passing of this Act, would authorise legal proceedings to be taken, in India or elsewhere, by or against the Secretary of State in respect of any right or liability of India or any part of India shall cease to have effect on the appointed day, and any legal proceedings pending by virtue of any such provision on the appointed day shall, by virtue of this Act, abate on the appointed day, so far as the Secretary of State is concerned.

(2) Subject to the provisions of this subsection, any legal proceedings which, but for the passing of this Act, could have been brought by or against the Secretary of State in respect of any right or liability of India, or any part of India, shall instead be brought,

- (a) in the case of proceedings in the United Kingdom, by or against the High Commissioner;
- (b) in the case of other proceedings, by or against such person as may be designated by order of the Governor-General under the preceding provisions of this Act or otherwise by the law of the new Dominion concerned,

and any legal proceedings by or against the Secretary of State in respect of any

such right or liability as aforesaid which are pending immediately before the appointed day shall be continued by or against the High Commissioner or, as the case may be, the person designated as aforesaid:

Provided that, at any time after the appointed day, the right conferred by this subsection to bring or continue proceedings may, whether the proceedings are by, or are against, the High Commissioner or person designated as aforesaid, be withdrawn by a law of the Legislature of either of the new Dominions so far as that Dominion is concerned, and any such law may operate as respects proceedings pending at the date of the passing of the law.

(3) In this section, the expression 'the High Commissioner' means, in relation to each of the new Dominions, any such officer as may for the time being be authorised to perform in the United Kingdom, in relation to that Dominion, functions similar to those performed before the appointed day, in relation to the Governor-General in Council, by the High Commissioner referred to in section three hundred and two of the Government of India Act, 1935; and any legal proceedings which, immediately before the appointed day, are the subject of an appeal to His Majesty in Council, or of a petition for special leave to appeal to His Majesty in Council, shall be treated for the purposes of this section as legal proceedings pending in the United Kingdom.

16. *Aden.* (1) Subsections (2) to (4) of section two hundred and eighty-eight of the Government of India Act, 1935 (which confer on His Majesty power to make by Order in Council provision for the Government of Aden) shall cease to have effect and the British Settlements Acts, 1887 and 1945 (which authorise His Majesty to make laws and establish institutions for British Settlements as defined in those Acts), shall apply in relation to Aden as if it were a British Settlement as so defined.

(2) Notwithstanding the repeal of the said subsections (2) to (4), the Orders in Council in force thereunder at the date of the passing of this Act shall continue in force, but the said Orders in Council, any other Orders in Council made under the Government of India Act, 1935, in so far as they apply to Aden, and any enactments applied to Aden or amended in relation to Aden by any such Orders in Council as aforesaid, may be repealed, revoked or amended under the powers of the British Settlements Acts, 1887 and 1945.

(3) Unless and until provision to the contrary is made as respects Aden under the powers of the British Settlements Acts, 1887 and 1945, or as respects the new Dominion in question, by a law of the Legislature of that Dominion, the provisions of the said Orders in Council and enactments relating to appeals from any courts in Aden to any courts which will, after the appointed day, be in either of the new Dominions, shall continue in force in their application both to Aden and to the Dominion in question, and the last mentioned courts shall exercise their jurisdiction accordingly.

17. *Divorce jurisdiction.* (1) No court in either of the new Dominions shall, by virtue of the Indian and Colonial Divorce Jurisdiction Acts, 1926 and 1940, have jurisdiction in or in relation to any proceedings for a decree for the dissolution of

a marriage, unless those proceedings were instituted before the appointed day, but, save as aforesaid and subject to any provision to the contrary which may hereafter be made by any Act of the Parliament of the United Kingdom or by any law of the Legislature of the new Dominion concerned, all courts in the new Dominions shall have the same jurisdiction under the said Acts as they would have had if this Act had not been passed.

(2) Any rules made on or after the appointed day under subsection (4) of section one of the Indian and Colonial Divorce Jurisdiction Act, 1926, for a court in either of the new Dominions shall, instead of being made by the Secretary of State with the concurrence of the Lord Chancellor, be made by such authority as may be determined by the law of the Dominion concerned, and so much of the said subsection and of any rules in force thereunder immediately before the appointed day as require the approval of the Lord Chancellor to the nomination for any purpose of any judges of any such court shall cease to have effect.

(3) The reference in subsection (1) of this section to proceedings for a decree for the dissolution of a marriage include references to proceedings for such a decree of presumption of death and dissolution of a marriage as is authorised by section eight of the Matrimonial Causes Act, 1937.

(4) Nothing in this section affects any court outside the new Dominions, and the power conferred by section two of the Indian and Colonial Divorce Jurisdiction Act, 1926, to apply certain provisions of that Act to other parts of His Majesty's Dominions as they apply to India shall be deemed to be power to apply those provisions as they would have applied to India if this Act had not been passed.

18. *Provisions as to existing laws, etc.* (1) In so far as any Act of Parliament, Order in Council, order, rule, regulation or other instrument passed or made before the appointed day operates otherwise than as part of the law of British India or the new Dominions, references therein to India or British India, however worded and whether by name or not, shall, in so far as the context permits and except so far as Parliament may hereafter otherwise provide, be construed as, or as including, references to the new Dominions, taken together, or taken separately, according as the circumstances and subject matter may require:

Provided that nothing in this subsection shall be construed as continuing in operation any provision in so far as the continuance thereof as adapted by this subsection is inconsistent with any of the provisions of this Act other than this section.

(2) Subject to the provisions of subsection (1) of this section and to any other express provision of this Act, the Orders in Council made under subsection (5) of section three hundred and eleven of the Government of India Act, 1935, for adapting and modifying Acts of Parliament shall, except so far as Parliament may hereafter otherwise provide, continue in force in relation to all Acts in so far as they operate otherwise than as part of the law of British India or the new Dominions.

(3) Save as otherwise expressly provided in this Act, the law of British India and of the several parts thereof existing immediately before the appointed day

shall, so far as applicable and with the necessary adaptations, continue as the law of each of the new Dominions and the several parts thereof until other provision is made by laws of the Legislature of the Dominion in question or by any other Legislature or other authority having power in that behalf.

(4) It is hereby declared that the Instruments of Instructions issued before the passing of this Act by His Majesty to the Governor-General and the Governors of Provinces lapse as from the appointed day, and nothing in this Act shall be construed as continuing in force any provision of the Government of India Act, 1935, relating to such Instruments of Instructions.

(5) As from the appointed day, so much of any enactment as requires the approval of His Majesty in Council to any rules of court shall not apply to any court in either of the new Dominions.

19. *Interpretation, etc.* (1) References in this Act to the Governor-General shall, in relation to any order to be made or other act done on or after the appointed day, be construed,

- (a) where the order or other act concerns one only of the new Dominions, as references to the Governor-General of that Dominion;
- (b) where the order or other act concerns both of the new Dominions and the same person is the Governor-General of both those Dominions, as references to that person; and
- (c) in any other case, as references to the Governors-General of the new Dominions, acting jointly.

(2) References in this Act to the Governor-General shall, in relation to any order to be made or other act done before the appointed day, be construed as references to the Governor-General of India within the meaning of the Government of India Act, 1935, and so much of that or any other Act as requires references to the Governor-General to be construed as references to the Governor-General in Council shall not apply to references to the Governor-General in this Act.

(3) References in this Act to the Constituent Assembly of a Dominion shall be construed as references,

- (a) in relation to India, to the Constituent Assembly, the first sitting whereof was held on the ninth day of December, nineteen hundred and forty-six, modified
 - (i) by the exclusion of the members representing Bengal, the Punjab, Sind and British Baluchistan; and
 - (ii) should it appear that the North West Frontier Province will form part of Pakistan, by the exclusion of the members representing that Province; and
 - (iii) by the inclusion of members representing West Bengal and East Punjab; and

- (iv) should it appear that, on the appointed day, a part of the Province of Assam is to form part of the new Province of East Bengal, by the exclusion of the members theretofore representing the Province of Assam and the inclusion of members chosen to represent the remainder of that Province;
- (b) in relation to Pakistan, to the Assembly set up or about to be set up at the date of the passing of this Act under the authority of the Governor-General as the Constituent Assembly for Pakistan:

Provided that nothing in this subsection shall be construed as affecting the extent to which representatives of the Indian States take part in either of the said Assemblies, or as preventing the filling of casual vacancies in the said Assemblies, or as preventing the participation in either of the said Assemblies, in accordance with such arrangements as may be made in that behalf, of representatives of the tribal areas on the borders of the Dominion for which that Assembly sits, and the powers of the said Assemblies shall extend and be deemed always to have extended to the making of provision for the matters specified in this proviso.

- (4) In this Act, except so far as the context otherwise requires,

references to the Government of India Act, 1935, include references to any enactments amending or supplementing that Act, and, in particular, references to the India (Central Government and Legislature) Act, 1946;

'India', where the reference is to a state of affairs existing before the appointed day or which would have existed but for the passing of this Act, has the meaning assigned to it by section three hundred and eleven of the Government of India Act, 1935;

'Indian forces' includes all His Majesty's Indian forces existing before the appointed day and also any forces of either of the new Dominions;

'pension' means, in relation to any person, a pension whether contributory or not, of any kind whatsoever payable to or in respect of that person, and includes retired pay so payable, a gratuity so payable, and any sum or sums so payable by way of the return, with or without interest thereon or other additions thereto, of subscriptions to a provident fund;

'Province' means a Governor's Province;

'remuneration' includes leave pay, allowances and the cost of any privileges or facilities provided in kind.

- (5) Any power conferred by this Act to make any order includes power to revoke or vary any order previously made in the exercise of that power.

20. *Short title.* This Act may be cited as the Indian Independence Act, 1947.

FIRST SCHEDULE

Section 3: Bengal districts provisionally included in the new Province of East Bengal

In the Chittagong Division, the districts of Chittagong, Noakhali and Tippera.

In the Dacca Division, the districts of Bakarganj, Dacca, Faridpur and Mymensingh.

In the Presidency Division, the districts of Jessore, Murshidabad and Nadia.

In the Rajshahi Division, the districts of Bogra, Dinajpur, Malda, Pabna, Rajshahi and Rangpur.

SECOND SCHEDULE

Section 4: Districts provisionally included in the new Province of West Punjab

In the Lahore Division, the districts of Gujranwala, Gurdaspur, Lahore, Sheikhupura and Sialkot.

In the Rawalpindi Division, the districts of Attock, Gujrat, Jhelum, Mianwali, Rawalpindi and Shahpur.

In the Multan Division, the districts of Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan and Muzaffargarh.

THIRD SCHEDULE

Section 12: Modifications of Army Act and Air Force Act in relation to British Forces

Part I: Modifications of Army Act applicable also to Air Force Act. 1. The proviso to section forty-one (which limits the jurisdiction of courts martial) shall not apply to offences committed in either of the new Dominions or in any of the other territories which were included in India before the appointed day.

2. In section forty-three (which relates to complaints), the words 'with the approval of the Governor-General of India in Council' shall be omitted.

3. In subsections (8) and (9) of section fifty-four (which, amongst other things, require certain sentences to be confirmed by the Governor-General in Council), the words 'India or', the words 'by the Governor-General, or, as the case may be' and the words 'In India, by the Governor-General, or, if he has been tried' shall be omitted.

4. In subsection (3) of section seventy-three (which provides for the nomination of officers with power to dispense with courts martial for desertion and fraudulent enlistment) the words 'with the approval of the Governor-General' shall be omitted.

5. The powers conferred by subsection (5) of section one hundred and thirty

(which provides for the removal of insane persons) shall not be exercised except with the consent of the officer commanding the forces in the new Dominions.

6. In subsection (2) of section one hundred and thirty-two (which relates to rules regulating service prisons and detention barracks) the words 'and in India for the Governor-General' and the words 'the Governor-General' shall be omitted except as respects rules made before the appointed day.

7. In the cases specified in subsection (1) of section one hundred and thirty-four, inquests shall be held in all cases in accordance with the provisions of subsection (3) of that section.

8. In section one hundred and thirty-six (which relates to deductions from pay), in subsection (1) the words 'India or' and the words 'being in the case of India a law of the Indian legislature', and the whole of subsection (2), shall be omitted.

9. In paragraph (4) of section one hundred and thirty-seven (which relates to penal stoppages from the ordinary pay of officers), the words 'or in the case of officers serving in India the Governor-General', the words 'India or' and the words 'for India or, as the case may be' shall be omitted.

10. In paragraph (12) of section one hundred and seventy-five and paragraph (11) of section one hundred and seventy-six (which apply the Act to certain members of His Majesty's Indian Forces and to certain other persons) the word 'India' shall be omitted wherever it occurs.

11. In subsection (1) of section one hundred and eighty (which provides for the punishment of misconduct by civilians in relation to courts martial) the words 'India or' shall be omitted wherever they occur.

12. In the provisions of section one hundred and eighty-three relating to the reduction in rank of non-commissioned officers, the words 'with the approval of the Governor-General' shall be omitted in both places where they occur.

Part II: Modifications of Army Act. Section 184B (which regulates relations with the Indian Air Force) shall be omitted.

Part III: Modifications of Air Force Act. 1. In section 179D (which relates to the attachment of officers and airmen to Indian and Burma Air Forces), the words 'by the Air Council and the Governor-General of India or, as the case may be', and the words 'India or' wherever those words occur, shall be omitted.

2. In section 184B (which regulates relations with Indian and Burma Air Forces) the words 'India or' and the words 'by the Air Council and the Governor-General of India or, as the case may be', shall be omitted.

3. Sub-paragraph (e) of paragraph (4) of section one hundred and ninety (which provides that officers of His Majesty's Indian Air Force are to be officers within the meaning of the Act) shall be omitted.

40. *Draft Minutes of the second meeting of the Ad Hoc Committee on National Flag held on Friday, 18th July 1947, in Council House, New Delhi*

CONSTITUENT ASSEMBLY OF INDIA

CONFIDENTIAL

New Delhi
July 19, 1947

Present:

1. Dr. Rajendra Prasad (in the Chair)
2. Maulana Abul Kalam Azad
3. Mr. C. Rajagopalachariar
4. Mrs. Sarojini Naidu
5. Sardar K.M. Panikkar
6. Mr. K.M. Munshi
7. Dr. B.R. Ambedkar
8. Sardar Baldev Singh
9. Mr. Frank Anthony
10. Mr. S.N. Gupta
11. Pandit Hiralal Shastri
12. Dr. B. Pattabhi Sitaramayya
13. Mr. Satyanarayan Sinha.

In attendance:

1. Mr. H.V.R. Iengar, Secretary
2. Mr. B.F.H.B. Tyabji, Deputy Secretary.

Pandit Jawaharlal Nehru was present by special invitation.

The design of the flag prepared in accordance with the directions given at the first meeting of the Committee was approved. It was decided that:

- (i) The Hon'ble Pandit Jawaharlal Nehru should move a resolution in the Constituent Assembly in the following terms:

"The National Flag shall be a horizontal tricolour of deep saffron (kesari), white, and dark green in equal proportion. In the centre of the white band, there shall be a wheel in navy blue to represent the *charkha*. The design of the wheel shall be that of the wheel (*chakra*) which appears on the abacus of the Sarnath lion capital of Asoka.

The diameter of the wheel shall approximate to the width of the white band.

The ratio of the width to the length of the flag shall ordinarily be 2 : 3."

- (ii) That samples of the flag decided upon should be prepared and shown to members of the Constituent Assembly when the resolution is moved.
- (iii) After the Constituent Assembly has approved the flag, the President of the All India Women's Conference should be formally invited to present a flag of the approved design on behalf of the women of India to the Nation.

2. As regards the design of state seal and emblem, it was considered that a decision in this matter was not of immediate urgency, and should be postponed until more designs were prepared.

H.V.R. Iengar, Secy.

41. *Speech by Mahatma Gandhi at a prayer meeting in New Delhi on 27 July 1947*

Brothers and Sisters,

There are more than 800 princely States in India. Some of them are very large and some very small. Recently the Viceroy had summoned the Princes to Delhi. So long the States had functioned under the protective umbrella of the British Empire which has now been taken away. The Viceroy spoke to them in very gentle terms. I liked his speech. He advised these rulers that they should all opt for either India or Pakistan. His speech was not a brief one. What hurt me was that in his lengthy address there was not even a mention of the States' people. The relationship of the British Government was with the rulers of the States. The subjects of the States did not figure anywhere. Therefore, when paramountcy lapses these States legally become independent and the British Government cannot interfere, but after all the rulers have certain duties and obligations. The States' subjects can no longer be ruled at the point of the bayonet. But the security they have [had] under the British protection is no longer there. Take some large State—Cochin, for instance. It has an extensive seacoast. It cannot enter into treaty relations with the whole world in order to ensure its security and it was the duty of the Viceroy to point this out. I would have been happy if he had somewhere in his speech also mentioned the States' people. Since I was born in a Kathiawar State as a subject I have a right to say something about this question. Formerly if a ruler wanted so much as to employ a Dewan he had to seek permission from the Viceroy. They certainly did not like this. If, therefore, they now have been deprived of British protection, they are also free of British pressure. But there is now pressure from their people. So, if the rulers want to stay as rulers, they can only do so as servants of their people. They should seek the advice and cooperation of their Prajamandals in the work of administration. It is true that the Prajamandals have no experience of administration. But then even the leaders of the Central Government have had no previous experience of administration. This does not mean that the rulers should nominate twenty or twenty-five persons and call them Prajamandals. They should do whatever they do with sincerity. So far as the question of their joining Pakistan or the Indian Union is concerned, regard will have to be paid to the geographical situation. A State in Gujarat or Kathiawar cannot unite itself with Bengal. The States thus cannot free themselves from the constraints of geography.

It is curious that the British have not said that the paramountcy which they had so long exercised now vests in India and Pakistan. This has complicated the problem both for India and Pakistan. I must say that the rulers are now on their trial. They may remain rulers but they must be servants of the people in fact.

I am saying this not because the Viceroy has complained to me about the rulers or that Jawaharlal or Rajendra Babu have said anything to me. The fact is that people are now watching what the Indian Government and Pakistan Government will do.

But what is the plight of the States' people? Are they happy at the thought of the coming freedom? Will they celebrate the day of independence? As for me I shall fast on the day and my prayer will be: "O God, now that India is free do not destroy her."

The States form one-fourth of the area of the country. Will the 10 crore subjects of the States celebrate August 15 as Independence Day? If the Princes declare that they will from now on be servants of their people, then all will be well. Then the taxes they raise from the people will be for the uplift of the people. They will return their revenue ten times over not in the form of money but in the form of schools, hospitals, roads, gardens and public parks.

Jawaharlal and Sardar Patel have made no comment on the speech of the Viceroy though they could not be very happy in their hearts. But why should we have any poison in our hearts? It is like a game in which all one's cards must be placed on the table. Only when there is no poison in our hearts can we genuinely celebrate August 15 as Independence Day.

42. A note by H.V.R. Iengar on the Independence Day celebrations

The President is going to make an announcement tomorrow regarding the celebrations on the 15th of August. I would like to draw the President's attention to two points.

Will he kindly see paragraph 2 of the minutes of the second meeting of the Celebrations Committee* placed below? Perhaps, he would like to take the permission of the House to inform the authorities concerned that the members of the Assembly would be glad to attend the ceremony of swearing-in at the Viceroy's House.

The other point is the accommodation available for visitors. Out of the six galleries, two are reserved for the Press, and I see no chance of the Press being willing to surrender any portion of their accommodation. The other four galleries have 236 seats. In addition, we propose to improvise accommodation both on the floor of the House and in some of the lobbies. This will probably mean an additional hundred or 120 seats. Altogether the total accommodation would be some 360 to 380 seats.

We propose to invite the whole of the diplomatic corps in Delhi and also some of the high-ranking officials of the Government of India of the status not lower than that of a Joint Secretary as well as some military officers. Subject to verification, this will probably mean some 230 seats, leaving 150 seats for others.

On the above basis, it will not be possible to allot even one card per member, if every member applies for passes. It would be difficult for Office to make discrimination between one member and another, and I therefore suggest that members should be invited to send in their applications for passes for the 15th

August in the course of the next two or three days. No member should apply for more than one pass. If the number of applications is not in excess of the seats available, then all applications will be accepted. If there is an excess, we will have a ballot and communicate the results to the members as urgently as possible.

H.V.R. Iengar

30.7.47

*Not included.

43. A letter from Surya Narayan Vyas

उज्जैन

30-7-1947

श्रीमन्!

14 अगस्त को अब केवल दो सप्ताह ही शेष रहे हैं। दो सौ वर्षों की परम पराधीनता के अंधकारमय दिनों के पश्चात् 14 अगस्त को स्वाधीनता का सूर्योदय होगा, इसलिए यह दिन हमारे लिए कितने हर्ष और आनंद का होगा कहने की आवश्यकता नहीं है। परन्तु प्रत्येक हर्ष के अवसर पर अपने से बिछुड़े हुए की याद ताजी हुए बिना नहीं रहती। आज भी ठीक वही स्थिति हमारे समक्ष है। हमारे उन बन्धुओं के बलिदानों का, पवित्र आत्मोत्सर्ग का ही तो परिणाम है कि आज यह दिन देखने का अवसर आ रहा है। कांग्रेस अथवा हमारी सरकार के वर्तमान सूत्र संचालकों ने इस महान दिन मनाने की जो योजना प्रकट की है, उसमें तो हमें कहीं भी यह नहीं दिखाई दिया कि इस 14 अगस्त को इन बलि चौरों की स्मृति संबंधी कोई भी आयोजन दिखाई नहीं दिया। [sic] यह जान कर चिन्ता हुई कि कहीं हमने इस हर्ष काल में उनको विस्मृत तो नहीं कर दिया है। यद्यपि यह स्वाधीनता दिवस अतीतोज्ज्वल भारतीय संस्कृति का उदय दिवस है। इस दिवस को हम उसी विचार पद्धति से मनाते जो हमारे देश की आदि परम्परा है। किन्तु प्रकाशित योजना में हमें तो वही अनुकरणाप्रियता दिखाई देती है जिसके गुलाम बनकर हम आज तक रहे हैं। हमारी संस्कृति के अनुरूप उसमें कोई भी चीज नहीं दिखाई पड़ती है। वही सैनिक मार्च, वही हवाई जहाजों की उड़ान, झण्डे का लहराना (ध्वज पूजन या महोत्सव नहीं)। इसका स्पष्ट अर्थ यही है कि ऊपर की दासता का आवरण उतार देने की आतुरता लक्षित होते हुए भी मानसिक संस्कारों की गुलामी से अभी हमारा छुटकारा नहीं हुआ है। "14 अगस्त" भी हमें उसीका "सूचक दिन" लग रहा है। देश की जिस संस्कृति के विनाश का कारण विदेशी शासन रहा है, उसके अवमान का हर्ष भी हम उसी विवाद की विधि से ही विहित करें, यह तो स्पष्ट ही इस बात का सूचक है कि हमारे पास अपनी कोई भी आयोजन पद्धति ही नहीं है। हर्ष भी हम उन्हीं की तरह मनाएँ, और राएँ भी उन्हीं के स्वर में। क्या यह खेद का विषय नहीं? जो भी हो परन्तु यह तो चुभने वाली बात लगती है कि हम जिनकी सम्राध पर खड़े होकर यह स्वाधीनता की दीप-ज्याति प्रकाशित करने जा रहे हैं, उनको भी भुला दें।

क्या यही उत्तम होता कि 14 अगस्त को हम प्रत्येक प्रान्त-नगर में उन आत्मोत्सर्ग करने वाले वीरों की स्मृति में अंजलि अर्पित करते, और दीप संजोते, तथा स्मृति में कोई स्थाई स्मारक की आधारशिला रखते, जिसका संस्कार उम प्रान्त-नगर का प्रमुख अधिकारी करता। आशा है स्वाधीनता दिवस की योजना में शहीदों की स्मृति को हम भुला न देंगे।

सु० ना० व्यास

44. *A telegram from the Marwari Chamber of Commerce to Jawaharlal Nehru and others*

Calcutta
30 July 1947

HONBLE PANDIT JAWAHARLAL NEHRU
HONBLE SARDAR VALLABHBHAI PATEL
HONBLE DR. RAJENDRA PRASAD
HONBLE C. RAJAGOPALACHARI
NEW DELHI

COMMITTEE MARWARI CHAMBER OF COMMERCE CALCUTTA LEARN WITH GREAT SATISFACTION FROM A PRESS REPORT THAT IN PROVINCIAL CONSTITUTION OF WEST BENGAL SEVEN SEATS ARE BEING ALLOTTED TO THE CHAMBERS OF COMMERCE IN THIS CONNECTION COMMITTEE SUBMIT THAT REPRESENTATION TO COMMERCIAL ASSOCIATIONS SHOULD BE GIVEN ON TWO BROAD PRINCIPLES NAMELY THOSE WHO ARE NOT CITIZENS OF INDIAN UNION SHOULD NOT BE GRANTED ANY REPRESENTATION AND SECONDLY ONLY THOSE COMMERCIAL ORGANISATIONS WHICH HAVE BEEN ENTIRELY DEVOTING THEIR ACTIVITIES TO DEVELOPMENT OF TRADE AND INDUSTRY AND WHICH AS SUCH HAVE BEEN RECOGNISED BY BOTH CENTRAL AND PROVINCIAL GOVERNMENTS IN MATTER OF REPRESENTATION ON VARIOUS COMMITTEES AND ADVISORY BODIES CONSTITUTED BY CENTRAL OR PROVINCIAL GOVERNMENT IN RECENT TIMES SHOULD BE GIVEN REPRESENTATION IN THIS CONNECTION CHAMBER COMMITTEE WOULD BRING TO YOUR KIND NOTICE THAT FOR THE LAST MANY YEARS THE CENTRAL GOVERNMENT AS ALSO PROVINCIAL GOVERNMENT OF BENGAL HAVE RECOGNISED BENGAL CHAMBER OF COMMERCE BENGAL NATIONAL CHAMBER OF COMMERCE MARWARI CHAMBER OF COMMERCE INDIAN CHAMBER OF COMMERCE AND MUSLIM CHAMBER OF COMMERCE AS THE FIVE LEADING CHAMBERS OF COMMERCE IN CALCUTTA AND AS SUCH GRANTED REPRESENTATION TO THESE BODIES ON VARIOUS COMMITTEES OR BOARDS CONSTITUTED BY THEM COMMITTEE THEREFORE REGRET TO POINT OUT THAT UNDER GOVERNMENT OF INDIA ACT 1935 ALTHOUGH FIVE SEATS ASSIGNED TO BENGAL CHAMBER OF COMMERCE TWO TO BENGAL NATIONAL CHAMBER AND ONE EACH TO INDIAN CHAMBER AND MUSLIM CHAMBER NO SEAT WAS ASSIGNED TO MARWARI CHAMBER OF COMMERCE EITHER ON CENTRAL OR ON PROVINCIAL LEGISLATURE COMMITTEE WOULD FURTHER BRING TO YOUR KIND NOTICE THAT MARWARI CHAMBER OF COMMERCE ESTABLISHED IN 1900 HAS BEEN ENTIRELY DEVOTING ITS ACTIVITIES TO BUILDING OF TRADE AND INDUSTRY IN BENGAL PRACTICALLY FOR LAST HALF CENTURY AND BEEN VITALLY INTERESTED IN INDUSTRIAL AS WELL AS COMMERCIAL DEVELOPMENT OF INDIA PARTICULARLY OF BENGAL COMMITTEE WOULD FURTHER SUBMIT THAT THOUGH THIS CHAMBER IS THIRD AMONG THESE CHAMBERS FROM POINT OF VIEW OF AGE THE OLDER TWO BEING BENGAL CHAMBER AND BENGAL NATIONAL CHAMBER OF COMMERCE BUT IT IS BIGGEST FROM POINT OF VIEW OF ITS NUMBER OF MEMBERS BEING OVER SIX HUNDRED REPRESENTING VARIOUS INDUSTRIAL COMMERCIAL AND TRADE INTERESTS IN EASTERN PART OF INDIA COMMITTEE WOULD FURTHER SUBMIT THAT BOTH CENTRAL AND PROVINCIAL GOVERNMENT OF BENGAL HAVE GRANTED REPRESENTATION TO THIS CHAMBER ON VARIOUS COMMITTEES AND ADVISORY BODIES SUCH AS EXPORT ADVISORY COUNCIL CALCUTTA PORT COMMITTEE LOCAL ADVISORY COMMITTEES OF DIFFERENT RAILWAYS INFORMAL QUARTERLY MEETINGS OF RAILWAYS

TEXTILE TRADE MARKS ADVISORY COMMITTEE PROVINCIAL DRUG CONTROL ADVISORY COMMITTEE RAILWAY RATES ADVISORY COMMITTEE BENGAL FOOD ADVISORY BOARD VISITING COMMITTEE OF MEDICAL COLLEGE GROUP OF HOSPITALS AND VARIOUS OTHER BODIES FOR THE LAST MANY YEARS IT MAY BE ADDED ALMOST ALL MEMBERS OF CENTRAL GOVERNMENT AND INDIAN GOVERNMENT TRADE COMMISSIONERS AS ALSO FOREIGN CONSULS IN INDIA HAVE BEEN MEETING COMMITTEE OF CHAMBER AND HOLDING IMPORTANT DISCUSSIONS ON VARIOUS SUBJECTS WHENEVER GOVERNORS OF PROVINCE OF BENGAL HAVE HAD OCCASION TO MEET REPRESENTATIVES OF CHAMBERS OF COMMERCE THIS CHAMBER HAS ALWAYS BEEN INVITED TO ATTEND SUCH MEETINGS AND CONFERENCES MY COMMITTEE WOULD THEREFORE EARNESTLY REQUEST YOU TO CONSIDER THE SUGGESTIONS MADE ABOVE IN THE MATTER OF GRANTING REPRESENTATION TO THE CHAMBERS OF COMMERCE IN LEGISLATURE AND MY COMMITTEE CONFIDENTLY HOPE THAT MARWARI CHAMBER OF COMMERCE WHICH HAS BEEN RECOGNISED BOTH BY CENTRAL AND PROVINCIAL GOVERNMENTS AS A LEADING CHAMBER OF COMMERCE AND HAS BEEN RENDERING USEFUL SERVICES TO INDUSTRY AND TRADE WOULD BE GIVEN DUE REPRESENTATION ON LEGISLATURE IN UNION OF INDIA AS ALSO IN PROVINCE OF WEST BENGAL.

SECRETARY
MARCHAMBER

45. *Dr. Rajendra Prasad on J.B. Kripalani**

I became acquainted with Acharya Kripalani soon after the First World War started and I have been intimately associated with him in public work for more than thirty years. We worked together for the first time in Champaran in 1917 under the leadership of Mahatma Gandhi and ever since then we have been co-workers in the service of the country. It has not been a mere coincidence but a certain affinity in our line of thought and action which has brought us near each other. We have both been inspired by Gandhiji's teachings and both have aspired to work in the spirit of those teachings. We both have faith in the fundamentals of Mahatma Gandhi's teachings. Acharya Kripalani adopted non-violence with deliberation and conviction after having flirted with other lines of thought. I took to it almost instinctively. But both of us have held fast to it. The constructive programme on which Mahatma Gandhi has laid so much stress has attracted both of us. We have both been deeply interested and intimately associated in the field of national education and in the revival and spread of charkha and khadi.

Acharya Kripalani was a Professor at first in a Bihar college and subsequently in the Benares Hindu University. When Mahatma Gandhi started his work in Champaran, Kripalaniji gave up his professorship and joined him and worked with him all the time that he was there. When Gandhiji started the non-cooperation movement, Kripalaniji gave up his professorship in the Hindu University and started with the help of his young pupils the Gandhi Ashram which became the centre and hub round which village work in general and khadi

work in particular has grown and spread out in the United Provinces and elsewhere. It is in the organisation of this Ashram and its work that his great gift of inspiring young men and settling them in constructive work as also his powers of organisation first attracted public notice. The reputation of the Ashram has grown with its years and today it stands as an example of constructive effort which has achieved success. From the privacy of this kind of constructive work, he was dragged into the tumble of political discussion and organisation and became the Secretary of the Congress, which office he held with credit for about 12 successive years. An incisive and impressive speaker, his speeches are listened to with attention and not the least of their quality is the touch of humour with which they are interspersed. He has acquired a place as an expounder of the Gandhian way of life and his contributions to the literature on the subject are remarkable for the lucidity of their style and the incisiveness of their argument. It was, therefore, in the fitness of things that he should be called upon to occupy the Presidential chair of the Congress and that at a time which has proved in many ways to be most decisive in the history of the Congress and the country. It is during his Presidentship that the country attains liberty and is called upon to take up the responsibility of running its own Government. To him it is given to guide it in its early days of a new-found freedom and may he live long to give it his best as he has done all his life in the past.

Rajendra Prasad

14.8.1947

*Written for a book on J.B Kripalani.

46. *Speech by the Chairman of the Constituent Assembly of India on the eve of Independence*

In this solemn hour of our history, when after many years of struggle we are taking over the governance of this country, let us offer our humble thanks to the Almighty power that shapes the destinies of men and nations and let us recall in grateful remembrance the services and sacrifices of all those men and women, known and unknown, who with smiles on their faces walked to the gallows or faced bullets on their chests, who experienced living death in the cells of the Andamans, or spent long years in the prisons of India, who preferred voluntary exile in foreign countries to a life of humiliation in their own, who not only lost wealth and property but cut themselves off from near and dear ones to devote themselves to the achievement of the great objective which we are witnessing today.

2. Let us also pay our tribute of love and reverence to Mahatma Gandhi who has been our beacon light, our guide and philosopher during the last thirty years or more. He represents that undying spirit in our culture and make-up which has kept India alive through the vicissitudes of our history. He it is who pulled us out of the slough of despondency and despair and blowed into us a spirit which

enabled us to stand up for justice, to claim our birthright of freedom and placed in our hands the matchless and unfailing weapon of Truth and Non-violence which without arms and armaments has won for us the invaluable prize of Swaraj at a price which, when the history of these times comes to be written, will be regarded as incredible for a vast country of our size and for the teeming millions of our population. We were indifferent instruments that he had to work with but he led us with consummate skill, with unwavering determination, with an undying faith in our future, with faith in his weapon, and, above all, with faith in God. Let us prove true to that faith. Let us hope that India will not in the hour of her triumph give up or minimise the value of the weapon which served not only to rouse and inspire her in her moments of depression but has also proved its efficacy. India has a great part to play in the shaping and moulding of the future of a war-distracted world. She can play that part not by mimicking from a distance what others are doing, or by joining in the race for armaments and competing with others in the discovery of the latest and most effective instruments of destruction. She has now the opportunity, and, let us hope, she will have the courage and strength to place before the world for its acceptance her infallible substitute for war and bloodshed, death and destruction. The world needs it and will welcome it, unless it is prepared to reel back into barbarism from which it boasts to have emerged.

3. Let us then assure all countries of the world that we propose to stick to our historic tradition to be on terms of friendship and amity with all, that we have no designs against anyone and hope that none will have any against us. We have only one ambition and desire and that is to make our contribution to the building up of freedom for all and peace among mankind.

4. The country which was made by God and Nature to be one stands divided today. Separation from near and dear ones, even from strangers after some association, is always painful. I would be untrue to myself if I did not at this moment confess to a sense of sorrow at this separation. But I wish to send, on your behalf and my own, our greetings and good wishes for success and the best of luck in the high endeavour of government in which the people of Pakistan, which till today has been a part and parcel of ourselves, will be engaged. To those who feel like us but are on the other side of the border we send a word of cheer. They should not give way to panic but should stick to their hearths and homes, their religion and culture and cultivate the qualities of courage and forbearance. They have no reason to fear that they will not get protection and just and fair treatment and they should not become victims of doubt and suspicion. They must accept the assurances publicly given and win their rightful place in the polity of the state where they are placed by their loyalty.

5. To all the minorities in India we give the assurance that they will receive fair and just treatment and there will be no discrimination in any form against them. Their religion, their culture and their language are safe and they will enjoy all the rights and privileges of citizenship, and will be expected in their turn to render loyalty to the country in which they live and to its Constitution. To all we give the

assurance that it will be our endeavour to end poverty and squalor, and its companions, hunger and disease, to abolish distinction and exploitation and to ensure decent conditions of living.

6. We are embarking on a great task. We hope that in this we shall have the unstinted service and cooperation of all our people and the sympathy and support of all other countries. We shall do our best to deserve it.

47. *List of Members of the Cabinet functioning from 15 August 1947*

14 August 1947

The new Cabinet, which will function from August 15, 1947, will consist of the following members. Their portfolios are indicated opposite their names:

Jawaharlal Nehru	Prime Minister; External Affairs and Commonwealth Relations; Scientific Research
Sardar Vallabhbhai Patel	Home; Information and Broadcasting; States
Dr. Rajendra Prasad	Food and Agriculture
Maulana Abul Kalam Azad	Education
Dr. John Matthai	Railways and Transport
Sardar Baldev Singh	Defence
Shri Jagjivan Ram	Labour
Mr. C.H. Bhabha	Commerce
Mr. Rafi Ahmed Kidwai	Communications
Rajkumari Amrit Kaur	Health
Dr. B.R. Ambedkar	Law
Shri R.K. Shanmukham Chetty	Finance
Dr. Syama Prasad Mookerjee	Industries and Supplies
Shri N.V. Gadgil	Works, Mines and Power

48. *Messages received by the Prime Minister Jawaharlal Nehru on the occasion of India achieving independence*

I. From the Prime Minister of the United Kingdom

My colleagues in the United Kingdom Government join with me in sending on this historic day greetings and good wishes to the Government and the people of

India. It is our earnest wish that India may go forward in tranquillity and prosperity and in so doing contribute to the peace and prosperity of the world.

2. From His Grace the Archbishop of Canterbury

At this time when India and Pakistan become independent Dominions and take upon themselves the full responsibilities of self-government, on behalf of the Christian people of this country I send you my greetings and good wishes. In God's providence apparently insuperable difficulties have so far been overcome and all the travail of past ages has led up to this moment of fulfilment and hope. I pray that the two Dominions may go forward to a noble future ever growing in justice and peace, in brotherhood and prosperity.

3. From Generalissimo Chiang Kai-shek, President, the Republic of China

On this auspicious occasion when the people of India celebrate the dawn of a new era of freedom, I wish to convey to you and the people of India my warm congratulations on the glorious and monumental achievement in which you and Mahatma Gandhi have played such an eminent and noble part, and which, I am confident, will be a source of inspiration to all peoples striving for independence, equality and progress. Please accept my best wishes for India's bright and promising future of success and greatness.

4. From Mr. Wang Shih Chieh, Foreign Minister, Nanking

I wish to convey to you my warm congratulations for your achievement in the great task of liberation. You have come to confront the greater task of building a new democratic state on your ancient fatherland. Please accept my best wishes for your further success and personal well-being.

5. From the Prime Minister of Canada

It affords me much pleasure to extend to you, and through you to the Government and people of India, the most cordial wishes of the Government and people of Canada on the occasion of the establishment of India as a completely self-governing nation.

6. From the Prime Minister of Australia

I desire to convey the greetings and good wishes of the Government and people of Australia to the Government and people of India on the historic occasion which is being celebrated on the 15th August.

The Australian people rejoice in your new status as a free and sovereign nation and warmly welcome your fellow membership in the British Commonwealth of Nations.

It is confidently anticipated that your traditions, your ancient culture and the spirit which is animating you in making smooth this period of transition, will ensure the future welfare and greatness of the people of India.

7. From the President of the Executive Yuan, Nanking

On this historic occasion of India's attainment of her long-cherished aspirations I take especial pleasure in extending to you and the Indian people my sincere felicitations. The Chinese people are deeply gratified by the rebirth of another great nation on the Asian continent. India and China with a common frontier of 2,000 miles have enjoyed the closest and most friendly relations in the course of many centuries. Our two nations having stood together through the late World War will undoubtedly continue to march forward together toward the common goal of world peace. I send you my warmest wishes for your continued success and for the happiness and prosperity of the Indian people.

* * * *

8. From Dr. Soedarsono on behalf of the Republic of Indonesia

On the eve of the establishment of the Dominion of India it is a great pleasure to the Republic of Indonesia to express her feelings of heartfelt joy, sympathy and friendship.

The Republic of Indonesia looks upon India as her Comrade who in time of danger and distress has helped her and will always help her. She may—as both their nationalism is based upon humanity—hope that in the very near future still tighter bonds will be welded, bonds of comradeship in the struggle for Justice and Peace and for the Freedom and Prosperity of millions who for so long a time have lived in squalor amidst luxury and wealth.

The people of India since years led by its eminent leaders undoubtedly are approaching a better and happier future. India will not only become a land of Justice and Prosperity but at the same time a bulwark of, and a guard for, peace in Asia.

The Government and the people of the Republic of Indonesia send your people, your Government and your Excellency at this great historical moment their deeply felt wishes for Happiness and Prosperity.

9. From His Majesty's Minister in Nepal

My staff join me in offering warmest congratulations on establishment of Dominion of India and send all good wishes for future happiness and prosperity of state and its people.

10. From the Prime Minister and Acting Minister of Foreign Affairs, Norway

On this Great Day of National Rejoicing for the peoples of India I have the honour to transmit to you my very best wishes for the prosperity of your country.

11. From Dr. Edward Phelan, Director-General, International Labour Office, Geneva

Wish to send you cordial greetings and all best wishes on this historic day which marks the inauguration of Indian independence. In the exercise of those full international responsibilities which independence involves India can count on all the assistance which it may be in the power of the International Labour Office to afford.

49. *Speech by the President of the Constituent Assembly of India at its meeting on 15 August 1947*

Let us in this momentous hour of our history, when we are assuming power for the governance of our country, recall in grateful remembrance the services and sacrifices of all those who laboured and suffered for the achievement of the independence we are attaining today. Let us on this historic occasion pay our homage to the maker of our modern history, Mahatma Gandhi, who has inspired and guided us through all these years of trial and travail and who in spite of the weight of years is still working in his own way to complete what is left yet unaccomplished.

2. Let us gratefully acknowledge that while our achievement is in no small measure due to our own sufferings and sacrifices, it is also the result of world forces and events and last, though not least, it is the consummation and fulfilment of the historic traditions and democratic ideals of the British race whose farsighted leaders and statesmen saw the vision and gave the pledges which are being redeemed today. We are happy to have in our midst as a representative of that race Viscount Mountbatten of Burma and his consort who have worked hard and played such an important part in bringing this about during the closing scenes of this drama. The period of domination by Britain over India ends today and our relationship with Britain is henceforward going to rest on a basis of equality, of mutual goodwill and mutual profit.

3. It is undoubtedly a day of rejoicing. But there is only one thought which mars and detracts from the fullness of this happy event. India, which was made by God and Nature to be one, which culture and tradition and history of millenniums have made one, is divided today and many there are on the other side of the boundary who would much rather be on this side. To them we send a word of cheer and assurance and ask them not to give way to panic or despair but

to live with faith and courage in peace with their neighbours and fulfil the duties of loyal citizenship and thus win their rightful place. We send our greetings to the new Dominion which is being established today there and wish it the best luck in its great work of governing that region and making all its citizens happy and prosperous. We feel assured that they all will be treated fairly and justly without any distinction or discrimination. Let us hope and pray that the day will come when even those who have insisted upon and brought about this division will realise India's essential oneness and we shall be united once again. We must realise however that this can be brought about not by force but by large-heartedness and cooperation and by so managing our affairs on this side as to attract those who have parted. It may appear to be a dream but it is no more fantastic a dream than that of those who wanted a division and may well be realised even sooner than we dare hope for today.

4. More than a day of rejoicing it is a day of dedication for all of us to build the India of our dreams. Let us turn our eyes away from the past and fix our gaze on the future. We have no quarrel with other nations and countries and let us hope no one will pick a quarrel with us. By history and tradition we are a peaceful people and India wants to be at peace with the world. India's Empire outside her own borders has been of a different kind from all other Empires. India's conquests have been the conquests of spirit which did not impose heavy chains of slavery, whether of iron or of gold, on others but tied other lands and other peoples to her with the more enduring ties of the golden silk of culture and civilisation, of religion and knowledge (*gyan*). We shall follow that same tradition and shall have no ambition save that of contributing our little mite to the building of peace and freedom in a war-distracted world by holding aloft the banner under which we have marched to victory and placing in a practical manner in the hands of the world the great weapon of non-violence which has achieved this unique result. India has a great part to play. There is something in her life and culture which has enabled her to survive the onslaughts of time and today we witness a new birth full of promise, if only we prove ourselves true to our ideals.

5. Let us resolve to create conditions in this country when every individual will be free and provided with the wherewithal to develop and rise to his fullest stature, when poverty and squalor and ignorance and ill-health will have been vanished, when the distinction between high and low, between rich and poor, will have disappeared, when religion will not only be professed and preached and practised freely but will have become a cementing force for binding man to man and not serve as a disturbing and disrupting force dividing and separating, when untouchability will have been forgotten like an unpleasant night dream, when exploitation of man by man will have ceased, when facilities and special arrangements will have been provided for the *adimjatis* of India and for all others who are backward, to enable them to catch up to others and when this land will have not only enough food to feed its teeming millions but will once again have become a land flowing with rivers of milk, when men and women will be laughing

and working for all they are worth in fields and factories, when every cottage and hamlet will be humming with the sweet music of village handicrafts and maids will be busy with them and singing to their tune—when the sun and the moon will be shining on happy homes and loving faces.

6. To bring all this about we need all the idealism and sacrifice, all the intelligence and diligence, all the determination and the power of organisation that we can muster. We have many parties and groups with differing ideals and ideologies. They are all trying to convert the country to their own ideologies and to mould the constitution and the administration to suit their own viewpoint. While they have the right to do so the country and the nation have the right to demand loyalty from them. All must realise that what is needed most today is a great constructive effort—not strife, hard solid work—not argumentation, and let us hope that all will be prepared to make their contribution. We want the peasant to grow more food, we want the workers to produce more goods, we want our industrialists to use their intelligence, tact and resourcefulness for the common good. To all we must assure conditions of decent and healthy life and opportunities for self-improvement and self-realisation.

7. Not only have the people to dedicate themselves to this great task that lies ahead but those who have so far been playing the role of rulers and regulators of the lives of our men and women have to assume the role of servants. Our army has won undying glory in distant lands for its bravery and great fighting qualities. Our soldiers, sailors and airmen have to realise that they now form a national army on whom devolves the duty not only of defending the freedom which we have won but also to help in a constructive way in building up a new life. There is no place in the armed forces of our country which is not open to our people, and, what is more, they are required to take the highest places as soon as they can so that they may take full charge of our defences. Our public servants in various departments of Government have to shed their role as rulers and have to become true servants of the people that their compeers are in all free countries. The people and the Government on their side have to give their trust and assure them conditions of service in keeping with the lives of the people in whose midst they have to live and serve.

8. We welcome the Indian States which have acceded to India and to their people we offer our hands of comradeship. To the princes and the rulers of the States we say that we have no designs against them. We trust they will follow the example of the King of England and become constitutional rulers. They would do well to take as their model the British monarchical system which has stood the shock of two successive world wars when so many other monarchies in Europe have toppled down.

9. To Indians settled abroad in British Colonies and elsewhere we send our good wishes and assurance of our abiding interest in their welfare. To our minorities we give the assurance that they will receive fair and just treatment and their rights will be respected and protected.

10. One of the great tasks which we have in hand is to complete the

Constitution under which not only will freedom and liberty be assured to each and all but which will enable us to achieve and attain and enjoy its fulfilment and its fruits. We must accomplish this task as soon as possible so that we may begin to live and work under a Constitution of our own making, of which we may all be proud, and which it may become our pride and privilege to defend and to preserve to the lasting good of our people and for the service of mankind. In framing that Constitution we shall naturally draw upon the experience and knowledge of other countries and nations no less than on our own traditions and surroundings and may have at times to disregard the lines drawn by recent history and lay down new boundary lines not only of Provinces but also of distribution of powers and functions. Our ideal is to have a Constitution that will enable the people's will to be expressed and enforced and that will not only secure liberty to the individual but also reconcile and make it subservient to the common good.

11. We have up to now been taking a pledge to achieve freedom and to undergo all sufferings and sacrifices for it. Time has come when we have to take a pledge of another kind. Let no one imagine that the time for work and sacrifice is gone and the time for enjoying the fruits thereof has come. Let us realise that the demand on our enthusiasm and capacity for unselfish work in the future will be as great as, if not greater than, what it has ever been before. We have, therefore, to dedicate ourselves once again to the great cause that beckons us. The task is great, the times are propitious. Let us pray that we may have the strength, the wisdom and the courage to fulfil it.

50. *The Prime Minister Jawaharlal Nehru to various world leaders in reply to messages sent by them on the occasion of India achieving independence*

1. To the Prime Minister of the United Kingdom

On behalf of my colleagues in the Government of India and myself I wish to express our grateful thanks for your message of greeting on this historic day when India emerges into freedom. That freedom means much to us, but it also means much to Asia and the world. We hope to utilise that freedom for the advancement of our own people as well as for the furtherance of the peace and prosperity of the world. In those great tasks we shall look forward to the closest cooperation with your Government.

2. To His Grace the Archbishop of Canterbury

I am deeply grateful to you for your greetings and good wishes on the occasion of India achieving freedom. We hope that this freedom will be utilised for the

furtherance of peace, brotherhood and prosperity and for closer cooperation with the other nations of the world.

3. To Generalissimo Chiang Kai-shek

I AM GRATEFUL TO YOU AND THANK YOU FOR YOUR MESSAGE ON THE OCCASION OF INDIA ATTAINING INDEPENDENCE STOP IN OUR LONG PAST INDIA AND CHINA HAVE OFTEN LOOKED TO EACH OTHER AND DERIVED INSPIRATION FROM EACH OTHER STOP THE OLD BONDS WILL GROW STRONGER BETWEEN A FREE INDIA AND CHINA TO THE MUTUAL BENEFIT OF OUR RESPECTIVE PEOPLES AND FOR THE ADVANCEMENT OF WORLD PEACE DEMOCRACY AND FREEDOM

4. To Mr. Wang Shih Chieh, Foreign Minister, Nanking

I am most grateful to you for your friendly good wishes and generous reference to my share in the achievement by India of her freedom. It is our firm resolve to devote this freedom to the uplift of our own people and the benefit of mankind. To you personally and to the people of your great Nation I send our salutation and good wishes.

5. To the Prime Minister of Canada

I am grateful to you for the message you have conveyed to me on behalf of the Government and people of Canada on the occasion of India achieving freedom. That freedom we hope to utilise, in cooperation with your nation and others, for the furtherance of peace and progress in the world.

6. To the Prime Minister of the Commonwealth of Australia

I am grateful to you for your message of greetings and good wishes on behalf of the Government and people of Australia on the occasion of India achieving freedom. That freedom we hope to utilise not only for the good of our people, but for the good of the world. We send greetings to the Australian people and look forward to close cooperation with them in the future in the great tasks ahead.

7. To the President, the Executive Yuan, Nanking

On behalf of Government and people of India, and my own, I thank you sincerely for your message of felicitations on the occasion of the attainment by India of her freedom. We have long enjoyed and greatly prized our age-old friendship with China. In the future that lies ahead of our two peoples, we shall, I hope, strive by unity of action and understanding for maintenance in the world of justice and peace.

8. To His Majesty's Minister in Nepal

I am most grateful for your congratulations and good wishes on the occasion of the attainment by India of a sovereign place amongst the nations of the world.

9. To the Prime Minister and Acting Minister of Foreign Affairs, Norway

I am most grateful for Your Excellency's message and take the opportunity to convey to you and through you to the Government and people of Norway the cordial good wishes of the Government and people of India.

10. To Dr. Edward Phelan, Director-General, International Labour Office, Geneva

I am most grateful for the greetings and good wishes on this momentous day in our history. Of the responsibilities which come to our people with freedom, none will be the object of more earnest and active attention than the cause for which the International Labour Office has striven so long and so nobly.

51. *Announcement made in the Constituent Assembly of India re personnel of Committee to consider the Independence Act, Adaptation Rules, etc. (an extract from debates in the Constituent Assembly on 20 August 1947)*

MR. PRESIDENT: There will be further discussion tomorrow about this.

Before we adjourn, I desire to make an announcement. A Committee consisting of Mr. Mavalankar, Mr. Hussain Imam, Shri Purushottamdas Tandon, Dr. Ambedkar, Mr. Alladi Krishnaswami Ayyar, Mr. Gopalaswami Ayyangar and Mr. B.L. Mitter is appointed to consider the Indian Independence Act, the adaptations of the Government of India Act, 1935, the Rules and Standing Orders of the Legislative Assembly, the Rules and Standing Orders in force in the Constituent Assembly, etc., and report on the following matters:

- (1) What are the precise functions of the Constituent Assembly under the Indian Independence Act?
- (2) Is it possible to distinguish between the business of the Constituent Assembly as a constitution-making body and its other business and can the Constituent Assembly set apart certain days or periods solely for the former?
- (3) Should the members representing the Indian States in the Constituent Assembly be given the right to take part in proceedings which do not relate to constitution-making or to the subjects in respect of which they have acceded?

- 4) What new Rules or Standing Orders, if any, and what amendments, if any, in the existing Rules or Standing Orders should be made by the Constituent Assembly or its President?

I think this covers the points which were discussed in the earlier part of the day. I am appointing this Committee and expect the Committee will give us their Report very soon.

DR. P.S. DESHMUKH: Sir, there is one point which I would like to suggest, and that is the examination of the permissibility or otherwise of the same members being a member of two legislatures. Hereafter, we are going to be ...

MR. PRESIDENT: I think that this is covered by the Adaptations.

The House stands adjourned till 10 a.m. tomorrow.

The Assembly then adjourned till ten of the clock on Thursday, the 21st August 1947.

52. A note from Jawaharlal Nehru, dated 23 August 1947

Recent changes and developments have put an end to the old Legislative Assembly and the Constituent Assembly will now function as the Legislative Assembly for India. The Legislative Assembly Department is for the present rather headless till such time as the Constituent Assembly functions as a Legislative Assembly. Probably, the correct view is that the President of the Constituent Assembly becomes automatically the head of the Legislative Assembly Department.

In any event it is clear that the Legislative Assembly Department should function from now onwards under the directions of the President of the Constituent Assembly. The Constituent Assembly has recently appointed a sub-committee to consider when and how the C.A. should function as a Legislative Assembly. This sub-committee will report soon and probably before the C.A. session ends some final decisions will be taken by the Constituent Assembly.

Meanwhile, as I have said above, the Legislative Assembly Department should function directly under the President of the Constituent Assembly. This does not mean that it should be merged into the C.A. Secretariat. It should continue as a separate entity. It should, however, fully cooperate in any work of the Constituent Assembly which is allotted to it or any members of its staff by the President of the Constituent Assembly.

J. Nehru
23.8.47

The Hon'ble the President
Constituent Assembly.

53. *A Report submitted by G. V. Mavalankar, Chairman, the Constituent Assembly Functions Committee, to the President, Constituent Assembly of India*

No. CA/98/Cons/47.

New Delhi
The 25th August 1947

Sir,

On behalf of the members of the Committee appointed by you on the 21st of August 1947 to consider and report on certain matters connected with the future working of the Constituent Assembly, I beg to submit this report.

I. PRELIMINARY

2. At our first meeting on Friday the 22nd, I was elected Chairman. The Committee met also on the 23rd and the 25th.

3. Our terms of reference are:

- (1) What are the precise functions of the Constituent Assembly under the Indian Independence Act?
- (2) Is it possible to distinguish between the business of the Constituent Assembly as a constitution-making body and its other business and can the Constituent Assembly set apart certain days or periods solely for the former?
- (3) Should the members representing the Indian States in the Constituent Assembly be given the right to take part in proceedings which do not relate to constitution-making or to the subjects in respect of which they have acceded?
- (4) What new Rules or Standing Orders, if any, and what amendments, if any, in the existing Rules or Standing Orders should be made by the Constituent Assembly or its President?

We proceed to state our views on these terms in the order mentioned.

II. FIRST TERM OF REFERENCE

4. The business to be transacted by the Constituent Assembly falls under two categories:

- (a) To continue and complete the work of constitution-making which commenced on the 9th December 1946; and
- (b) To function as the Dominion Legislature until a Legislature under the new Constitution comes into being.

III SECOND TERM OF REFERENCE

5. It is not only possible but necessary for the proper functioning of the Constituent Assembly in its two capacities that its business as a constitution-making body should be clearly distinguished from its normal business as the Dominion Legislature. We consider that for the purpose of avoiding complications and confusion, different days, or separate sittings on the same day, should be set apart for the two kinds of business.

IV. THIRD TERM OF REFERENCE

6. We agree that, as implied in the wording of this term of reference, the members of the Assembly representing the Indian States are entitled to take part in the proceedings of the Assembly on all days set apart for the business of constitution-making. They further have the right on days set apart for the functioning of the Assembly as the Dominion Legislature to participate in business relating to subjects in respect of which the States have acceded to the Dominion. Though it is competent for the Constituent Assembly to deny or limit their participation in business relating to subjects in respect of which the States have not acceded, we would recommend that no ban or restriction be placed by rule on their participation in such business also.

V FOURTH TERM OF REFERENCE

7. So far as constitution-making is concerned, the existing Rules of Procedure and Standing Orders made by the Constituent Assembly and its President are adequate and only such amendments need be made therein from time to time as may be considered necessary in the light of experience. As regards the functioning of the Constituent Assembly as the Dominion Legislature, under section 8 (2) of the Indian Independence Act, the relevant provisions of the Government of India Act as adapted and the Rules and Standing Orders of the Indian Legislative Assembly have generally to be followed. It will, however, be necessary to make modifications and adaptations in these Rules and Standing Orders in respect of matters common to both the classes of business to be transacted by the Assembly. We have not been able, within the time at our disposal, to attempt a detailed examination of these Rules and Standing Orders with a view to make suggestions as regards the modifications, adaptations and additions that may be necessary. We would suggest that necessary modifications, adaptations and additions be made under the orders of the President.

8. We desire to refer to three matters of importance which, besides being relevant to the main issue remitted to us for consideration, have a bearing on the question of the need for the making by the Constituent Assembly or its President of new Rules or Standing Orders and the amendment of existing Rules or Standing Orders.

9. The provisions for the election of a Speaker in section 22 of the Government of India Act, 1935, have been omitted. This read together with the other modifications carried out in that Act show that the President of the Constituent Assembly is the person to preside over it when functioning as the Dominion Legislature also, unless other provision is made in the Rules of Procedure of the Constituent Assembly itself for the election of an officer for the purpose of presiding over the Assembly when transacting ordinary legislative business. It has to be remembered that though transacting two kinds of business, the Assembly is one and can have only one President who is the supreme head of it both on its deliberative side and on its administrative side. We would, however, point out that it would be constitutionally inappropriate for the person presiding over the Constituent Assembly when functioning as the Dominion Legislature being also a Minister of the Dominion Government. It is obviously desirable that steps should be taken for avoiding this anomaly. We would suggest that for this purpose the following alternatives might be considered:

- (a) The President of the Constituent Assembly should be a person whose whole time is given to the work of the Assembly both when engaged on constitution-making and when transacting business of the Dominion Legislature.
- (b) If the President of the Constituent Assembly is a Minister, provision may be made in the Rules of the Constituent Assembly for the election of an officer to preside over the deliberations of the Assembly when functioning as the Dominion Legislature.

10. Under the Government of India Act as adapted, the power of summoning and proroguing the Dominion Legislature vests in the Governor-General. We consider that, consistently with the powers which of right belong to the Constituent Assembly and with the Rules already made by it and with a view to secure proper coordination of the work of the Assembly in its two spheres, this power of summoning that Assembly for functioning as the Dominion Legislature and proroguing it should also vest only in the President. A new Rule to this effect may be added to the Constituent Assembly Rules of Procedure and a further adaptation of the relevant section of the Government of India Act may be made to bring it into conformity with this new Rule.

11. At present five members of the Dominion Government have no seats in the Constituent Assembly. These Ministers have the right to participate in the business of the Constituent Assembly when functioning as the Dominion Legislature, though they will not have the right to vote. They will, however, not have the right even to participate in the work of the Constituent Assembly when it transacts business connected with constitution-making. We, however, recommend that such Ministers may by a suitable addition to the Rules of the Constituent Assembly be given the right to attend and participate in its work of

constitution-making, though until they become members of the Constituent Assembly they will not have any right to vote.

Yours sincerely,
G.V. Mavalankar
Chairman

54. Adoption of resolutions regarding functions of the Constituent Assembly of India (an extract from debates in the Constituent Assembly on the 29th August 1947)

MR. PRESIDENT: I think we have to put the motion clause by clause as was suggested. Clause 1.

- (i) The functions of the Assembly shall be
 - (a) to continue and complete the work of constitution-making which commenced on the 9th December 1946, and
 - (b) to function as the Dominion Legislature until a legislature under the new Constitution comes into being.

The motion was adopted.

MR. PRESIDENT:

- (ii) The business of the Assembly as a constitution-making body should be clearly distinguished from its normal business as the Dominion Legislature, and different days or separate sittings on the same day should be set apart for the two kinds of business.

The motion was adopted.

MR. PRESIDENT:

- (iii) The recommendations contained in para 6 of the Report regarding the position of representatives of Indian States in the Assembly be accepted.

The motion was adopted.

MR. PRESIDENT:

- (iv) Suitable provision should be made in the Rules of the Constituent Assembly for the election of an officer to be designated the Speaker to preside

over the deliberations of the Assembly when functioning as the Dominion Legislature.

The motion was adopted.

MR. PRESIDENT:

(v) The power of summoning the Assembly for functioning as the Dominion Legislature and proroguing it should vest in the President.

The motion was adopted.

MR. PRESIDENT:

(vi) Ministers of the Dominion Government, who are not members of the Constituent Assembly should have the right to attend and participate in its work of constitution-making, though until they become members of the Constituent Assembly they should not have any right to vote.

The motion was adopted.

MR. PRESIDENT:

(vii) Necessary modifications, adaptations and additions should be made

(a) by the President of the Constituent Assembly to the Rules and Standing Orders of the Indian Legislative Assembly to bring them into accord with the relevant provisions of the Government of India Act as adapted under the Indian Independence Act, 1947;

The motion was adopted.

MR. PRESIDENT:

(b) by the Constituent Assembly or the President, as the case may be, to the Rules and Standing Orders to carry out the provisions of para 9 of the Report and where necessary to secure an appropriate adaptation of the relevant section of the Government of India Act to bring it into conformity with the new Rule.

The motion was adopted.

MR. PRESIDENT: The question is:

That the Resolution as a whole be adopted, namely:

1. That with reference to the Motion by the Honourable Dr. B.R. Ambedkar regarding the consideration of the Report on the functions

of the Constituent Assembly under the Indian Independence Act, it is hereby resolved that

- (i) The functions of the Assembly shall be
 - (a) to continue and complete the work of constitution-making which commenced on the 9th December 1946, and
 - (b) to function as the Dominion Legislature until a Legislature under the new Constitution comes into being.
- (ii) The business of the Assembly as a constitution-making body should be clearly distinguished from its normal business as the Dominion Legislature, and different days or separate sittings on the same day should be set apart for the two kinds of business.
- (iii) The recommendations contained in para 6 of the Report regarding the position of representatives of Indian States in the Assembly be accepted.
- (iv) Suitable provision should be made in the Rules of the Constituent Assembly for the election of an officer to be designated the Speaker to preside over the deliberations of the Assembly when functioning as the Dominion Legislature.
- (v) The power of summoning the Assembly for functioning as the Dominion Legislature and proroguing it should vest in the President.
- (vi) Ministers of the Dominion Government, who are not members of the Constituent Assembly, should have the right to attend and participate in its work of constitution-making, though until they become members of the Constituent Assembly they should not have any right to vote.
- (vii) Necessary modifications, adaptations and additions should be made
 - (a) by the President of the Constituent Assembly to the Rules and Standing Orders of the Indian Legislative Assembly to bring them into accord with the relevant provisions of the Government of India Act as adapted under the Indian Independence Act, 1947;
 - (b) by the Constituent Assembly or the President, as the case may be, to the Rules and Standing Orders to carry out the provisions of para 9 of the Report and where necessary to secure an appropriate adaptation of the relevant section of the Government of India Act to bring it into conformity with the new Rule.

The motion was adopted.

MR. PRESIDENT: Now that this resolution has been carried, I purpose to take up the adaptation of the rules and the Standing Orders and also such sections of the adapted Government of India Act as are necessary.

With regard to the question which has been raised in the course of the discussion about the staff, I propose to appoint a committee consisting of the officials on the staff of the Constituent Assembly and on the staff of the

Legislative Assembly to prepare a scheme for reorganising the two Departments so as to make the work as efficient and as economical as possible.

55. A note by Dr. Rajendra Prasad, dated 2 September 1947

Some members of the Constituent Assembly have been appointed to various offices and may probably vacate their seats in the Assembly. In some cases, I believe, resignations have been received but not in all. The office may ascertain the position with regard to such members. As far as I remember the following are the members who have been appointed to various offices:

1. Shrimati Sarojini Naidu,
2. Shrimati Vijayalakshmi Pandit,
3. Shri C. Rajagopalachari,
4. Syt. Sri Prakasa, and
5. Dr. Kailash Nath Katju.

I believe, Shri C. Rajagopalachari, Shrimati Vijayalakshmi Pandit and Syt. Sri Prakasa have already sent in their resignations and I have accepted them but I am not sure whether others have done it and I am not sure about the above-named persons also. Will the office kindly ascertain and let me have a note about all such persons?

We have in the present Cabinet five members who are not members of the Assembly and now that the Constituent Assembly will also function as the Legislative Assembly it may be necessary for them to become members of the Assembly from some constituency or other within six months. They are:

1. Maulana Abul Kalam Azad,
2. Dr. John Matthai,
3. Mr. C.H. Bhabha,
4. Mr. Shanmukham Chetty, and
5. Dr. Syama Prasad Mookerjee.

I would like to know from the point of view of Constitution whether we can have a member of the Cabinet without his being a member of the Legislature. Some steps may have to be taken to fill in the vacancies occurring in various places and it may be necessary to get the Cabinet members elected to fill some of these vacancies or others. The note is therefore of an urgent nature and as such should be submitted to me as soon as possible.

There is one point which requires further consideration. Is it possible under the rules of the Constitution as it at present stands to get a Muslim elected by any Provincial Assembly acting as a whole on the basis of joint electorate? A Muslim

who does not belong to the Muslim League has at present no chance of his being elected on the basis of separate electorate from any Provincial Assembly as at present constituted, unless there is a complete change in the opinion of the Muslim members of which there is absolutely no chance at present. It has got to be considered how Maulana Abul Kalam Azad can get elected to the Assembly if his election is considered necessary.

Rajendra Prasad

2.9.1947

Secretary, Constituent Assembly.

56. Daily situation report, as submitted by the Delhi Police, for 3 and 4 September 1947

3.9.47

0915 hrs.

1. A party of eight Hindus attacked a Hindu tongawala probably mistaken as a Muslim, two miles this side of Najafgarh. The latter was slightly injured.

Night

2. An explosion was heard in the house of one Bashir Ahmed in Rehgarhpura, Police Station Qarol Bagh. His father-in-law was beaten to death outside the house by 15/20 Hindus. Two of his relations were also injured. Eventually his house was set on fire, but the fire was soon controlled.

Night

3. The house of one Abdul Aziz, tailor, opposite Bashir Ahmed's house mentioned above, was set on fire. No loss of life.

Early morning

4. A barber's son, living near Bashir Ahmed's house mentioned above, was assaulted and received minor injuries.

Early morning

5. Two Sikhs attacked five Muslims near Water Works, Timarpur, Police Station Civil Lines, out of whom three were killed and two injured.

Early morning

6. Two bombs were thrown in the courtyard of quarter No. 102-E Timarpur, occupied by one Mohammad Hussain. Fifteen men, women and children were injured. Four Hindus living in the vicinity were suspected by the complainant in the initial stage, but investigation showed that the suspicion was unfounded and due to grudge. The matter is however being investigated.

Early morning

7. Sixteen goods wagons of cloth out of 40 wagons, standing in Shakoorbasti Railway Station Yard, were

- looted and set on fire. Attempts had been made to break open the locks of other 21 wagons. The significant fact is that some of the cloth found scattered on the road was marked for export to Kabul.
- Early morning 8. A report was received that there was trouble in village Barwala resulting in heavy casualties. Details are still lacking.
- Early morning 9. One Prem Lal, a civilian clerk, was picked up by a military patrol with stabbing wounds on his person somewhere on the other side of Palam. He died in the hospital.
- 0700 hrs. 10. Some of the Meos coming towards Delhi from Wazirpur village were assaulted near Birla Mills quarters. Of them, 17 were injured.
- 0830 hrs. 11. Two trains, one Up and the other Down on the metre gauge B.N. & C.I. Railway, were halting at Palam Railway Station when passengers of both got out and started shouting slogans. They attacked two luggage vans arriving from Delhi side. The police on the spot and on the train fired a few rounds which drove passengers back into the train, leaving some of the booty behind on the platform. The railway would be advised to cut down the number of trains.
- 0900 hrs. 12. Two Muslims (ex-soldiers) were thrown out of a train just beyond Delhi Cantonment en route to Delhi. One of these expired on the spot and the other who escaped with injury took him to the Military Hospital.
- 0930 hrs. 13. Two tongas were burnt near Dev Nagar, Police Station Qarol Bagh. Of those, one tongawala was fatally stabbed.
- 1100 hrs. 14. A party of four or five Muslims attacked a Hindu near Lady Reading Health School, Bara Hindu Rao, and inflicted injuries on him.
- 1100 hrs. 15. A Muslim was badly injured by three Sikhs near Delhi Cloth Mills, Police Station Sadar Bazar.
- 1130 hrs. 16. A Hindu was stabbed with a knife and seriously injured by four Muslims at the corner of Haṭhikhana, Police Station Sadar Bazar.
- 1145 hrs. 17. 6/7 Hindus inflicted injuries with a knife on a Muslim near Pahari Dhiraj, Police Station Sadar Bazar.
- 1145 hrs. 18. A Muslim was injured inside Delhi Cloth Mills gate by non-Muslim labourers using bricks and other weapons.
- Noon 19. Five Hindus armed with lathis injured a Muslim in front of Gali Madanwali, Police Station Sadar Bazar.

- Noon 20. Muslims of village Tihar were reported to have attacked a Hindu village of Khiala, Police Station Nangloi, close to Cantonments. A Superintendent of Police arrived at the spot with a reserve and persuaded the people to disperse. Considerable tension, however, prevails and police and troops will continue patrols in the area.
- 1330 hrs. 21. A number of labourers in Delhi Cloth Mills left for their homes on hearing of the imposition of a day curfew. On the way they made short work of any Muslim coming their way alone. In all seven dead bodies were recovered in the vicinity.
- Afternoon 22. A non-Muslim mob killed 20 Muslims, injured 43 and burnt 6 carts (Rehras) at Bagh Kare Khan, Police Post Serai Rohilla in Subzimandi Police Station. Police and troops arrived at the spot and controlled the situation.
- Afternoon 23. The Emergency Officer, East Punjab Railway, complained that a large armed mob was collecting near the Railway Colony close to Delhi Kishanganj Railway Station. A police reserve was sent to the spot under a Deputy Superintendent of Police. A Magistrate with a number of troops followed.
24. The general situation is deteriorating rather fast. The police has been working under great pressure, helped by military, and control is quite satisfactory.
25. The District Magistrate imposed a curfew from 1300 hours today until 0600 hours tomorrow in the Delhi Municipal area including parts of Police Station Civil Lines jurisdiction, with the usual exceptions of course.

Incidents:

(A) Stabbing etc.:

Locality and time	Casualty	Remarks
1. Delhi Najafgarh Road	1 Hindu (injured)	F.I.R. No. 39, dated 3.9.47, u/s 147 I.P.C., Najafgarh P.S.
2. Rehgarpura, Qarol Bagh, on 4.9.47, 2 a.m.	1 Muslim (died) 2 Muslims (injured)	
3. Rehgarpura, Qarol Bagh, on 4.9.47, 2 a.m.		

(Contd.)

Locality and time	Casualty	Remarks
4. Reharpura, Qarol Bagh, on 4.9.47, 2 a.m.	1 Muslim (injured)	
5. Water Works, Timarpur, Civil Lines, on 4.9.47, 3 p.m.	3 Muslims (died) 2 Muslims (injured)	F.I.R. No. 189 dated 4.9.47 u/s 302/307 I.P.C., Civil Lines.
6. Near Palam, Delhi Cantonment P.S., on 4.9.47, morning	1 Hindu (died)	-
7. Near Birla Mills quarters, Subzimandi, on 4.9.47, 9 a.m.	1 Muslim (died)	-
8. Railway line just beyond Delhi Cantonment route to Delhi on 4.9.47, 9.30 a.m.	1 Muslim (died) 1 Muslim (injured)	-
9. Near Dev Nagar, Qarol Bagh, on 4.9.47, 9.30 a.m.	1 Muslim (died)	-
10. Near Lady Reading Health School, Bara Hindu Rao, on 4.9.47, 11 a.m.	1 Hindu (injured)	-
11. Near Delhi Cloth Mills, P.S. Sadar Bazar, on 4.9.47, 11.00 a.m.	1 Muslim (injured)	
12. Corner of Hathikhana, P.S. Sadar Bazar, on 4.9.47, 11.30 a.m.	1 Muslim (injured)	
13. Near Pahari Dhiraj, P.S. Sadar Bazar, on 4.9.47, 1.45 a.m.	1 Muslim (injured)	
14. Inside Delhi Cloth Mills, P.S. Sadar Bazar, on 4.9.47, noon.	7 Muslims (died)	
15. Bagh Kare Khan, P.P. Serai Rohilla, P.S. Subzimandi, on 4.9.47, afternoon	20 Muslims (died)	

(B) Other communal incidents: Nil.

(C) Arson: As mentioned in paragraphs 2, 3, 7, 13 and 22 above.

Arrests:

	During 3rd/4th September				Total up to date			
	Hindu	Muslim	Sikh	Other	Hindu	Muslim	Sikh	Other
Under curfew order	13	24	1	—	485	436	20	1
U/s 188 I.P.C. for violation of orders u/s 144 Cr.P.C.	—	—	—	—	25	20	—	—
U/s 107/151 Cr.P.C.	36	23	1	—	67	58	1	—
Under other sections of the I.P.C.	—	—	—	—	6	2	2	—

Searches: Nil*Casualties:*

	During 3rd/4th September		Total up to date	
	Killed	Injured	Killed	Injured
Muslims	33	85	158	123
Hindus	1	3	1	4
Sikhs	—	—	—	—

57. Circular issued by the Prime Minister's Secretariat

SECRETARIAT OF THE PRIME MINISTER

As Dr. Rajendra Prasad, Minister for Food and Agriculture, is going to be absent from Delhi from the 23rd September onwards for two or three weeks in order to recuperate from his recent illness, the Secretaries of the Food and Agriculture Ministries should refer any important questions requiring ministerial decision to Mr. C.H. Bhabha. This will be necessary only in regard to urgent matters requiring immediate decision. Other matters might be referred to Dr. Rajendra Prasad at Pilani.

J. Nehru
22.9.1947

Copy forwarded to

The Hon'ble Dr. Rajendra Prasad, Minister for Food and Agriculture

The Hon'ble Mr. C.H. Bhabha, Minister for Commerce
for information.

J. Nehru

22.9.1947

58. *Draft of a letter from Dr. Rajendra Prasad to Sir Robert Hutchings*

Camp: Pilani

Jaipur State (Rajputana)

The 12th October 1947

Please accept my thanks for your letter of the 27th September which I received here two days ago. On account of the hard work which I had to put in, in connection with the Constituent Assembly and the Partition Council over and above what I have to do in connection with the two departments with which I am concerned, my health broke down towards the first week of September and I have come here for a short change to recuperate. The climate of this place is dry and good for me and I am steadily improving. I hope to go back to Delhi during the next week or so.

Since you left we have been passing through very difficult times. You know we were opposed to partition but then we found that it was not possible to carry on without some sort of settlement with the League. We ultimately decided to give in to purchase peace. In this decision we were strengthened by the attitude of those who were most affected by the partition, namely the Sikhs in the Punjab and the Bengalees in Bengal. They were originally dead opposed but seeing the situation came forward with the proposal that partition should be accepted. The Sikhs were the first and the Bengalees came a little later. We accordingly accepted the position and agreed, as the League had always declared that that was the only way of settling the communal question and in the hope that as a result we would be free to carry on the many projects of reforms and reconstruction that we have been dreaming about in our part and leave the League free to do whatever it liked within its own parts. The principle was accepted and the settlement of the boundary was left to the Boundary Commission of which Sir C. Radcliffe was appointed the Chairman and four judges of High Courts, two Hindus and two Muslims, were appointed other members for each of the two divisions of Western and Eastern Pakistan. Sir C. Radcliffe adopted a procedure which was strange and unintelligible to ordinary people. He himself did not even hear the parties interested in the division and left that work to be done by the four Indian judges on both sides. He did not have time even to hear arguments and the judges had to submit their own opinions in writing to him and after some talk with them he

gave an independent decision of his own which was announced after the 15th of August, the day fixed for the transfer of power. The decision is a most curious one, having neither logic, nor prudence, nor even common sense to support it. It is intensely disliked by all, although no one wishes to repudiate it as he was appointed with the consent of all.

While this work of the division was going on reports were received that Sikhs were becoming restive and it was said that they might create trouble on the border; so a large force was stationed there in the Punjab to prevent any untoward development. The work of the division of assets and liabilities was left to the Partition Council of which Lord Mountbatten, while he was the Viceroy, was an independent Chairman, and Mr. Jinnah and Mr. Liaquat Ali Khan on behalf of the League, and Sardar Vallabhbhai Patel and myself on behalf of the Congress, were members. The work there went on more or less smoothly and except on the question of the proportion in which the assets and the liabilities should be shared, most other points were settled by agreement. That matter has been referred to arbitration.

While all this was going on, the 15th of August came. In the country as a whole the decision for partition was accepted as the best amongst the bad alternatives. The Hindu Mahasabha or rather a part of the Hindu Mahasabha under Mr. Savarkar and others expressed themselves opposed to the partition. Bengal accepted it. We asked the 15th of August to be celebrated and there was tremendous response throughout the country. In Delhi itself scenes of unprecedented enthusiasm were witnessed. Some slight opposition which had been offered before was actually drowned and not heard of at all when the day came.

While this was happening in Delhi and all other parts of the country very tragic events were taking place in the Punjab. What had been expected was some sort of trial of strength on the boundary line; what was happening instead was a most barbarous attack in the cities and countrysides on the minorities. The result had been that while on the one hand cities like Lahore where the Hindu and Sikh population was considerable and where the house property was held mostly by them, there is hardly a Hindu or a Sikh left. Many houses have been burnt or otherwise destroyed. Similar things have happened in Amritsar where Muslims have suffered. It is difficult even yet to ascertain the number of lives lost and the amount of property destroyed. But apart from the number of lives lost, Hindus and Sikhs from Western Punjab and Muslims from Eastern Punjab have migrated in large numbers to the other side of the border and today can be witnessed hundreds of thousands of men passing in large groups from West to East and from East to West. It looks as if there will be no non-Muslim in West Punjab and no Muslim in East Punjab. Mr. Jinnah, however, wants the world to believe that millions of Hindus and Sikhs are migrating from West Punjab as mere beggars leaving hundreds of crores worth of property just to embarrass the Pakistan Government. Delhi could not remain unaffected when large numbers of refugees arrived there with tales of their sufferings and woes. Delhi is now under

control largely on account of the very drastic and severe action which the Government took. The whole episode is most distressing and it is no use trying to apportion blame. But the sequence of events is clear and undisputed. The trouble started while you were here last year with the very serious happenings in Calcutta in August 1946. They were followed by the distressing events in Noakhali. Calcutta and Noakhali led directly to what happened in Bihar. Last February similar events began to take place in Rawalpindi and other parts of Western Punjab with the result that hundreds of thousands of evacuees escaped and came to the United Provinces, Delhi, Eastern Punjab and some of the States. They brought terrible tales which created a most difficult situation for us on this side. While we were helpless to prevent these things in the Western Punjab just as we had been helpless in Calcutta and Noakhali, we had to keep the people on this side under control and we successfully did so. The barbarities of Bihar were controlled in a week's time and not a single event has happened since then in that Province. That was not so in Calcutta or even in Noakhali and much less so in the Western Punjab where events have been happening more or less continuously, without a break, sometimes on an extensive scale and sometimes in a small manner. After partition Calcutta is under control and happily, with the great influence of Mahatma Gandhi and strong action of the Government, Calcutta is quiet and the whole of Bengal—East and West—may be said to be quiet, although Hindus in East Bengal are apprehensive and are moving quietly in an undemonstrative manner to West Bengal. In the Punjab, Sikhs who have suffered terribly since February started retaliation in August with the result that this led to a more devastating retaliation in West Punjab. While we have been taken aback by the developments in the Punjab, it is easy to understand that all this is the result of the hymn of hate which has been preached for years past in which not only the two-nation theory has been propounded and propagated with a zeal worthy of a better cause but also direct hatred has been created. All that we have stood for and worked for during our whole lifetime, all that the Congress has been trying to achieve during its history of more than 60 years, has been smashed by this hymn of hate and the result is bitterness of a most intense kind which has been perhaps never known in the country even during the days when the Muslims regarded themselves as conquerors and were ruling the country. There can be no doubt that there has been long and widespread preparation, whether under the guidance of the Muslim League or independently by Musalmans, in various parts of the country. Searches have discovered large quantities of arms and ammunition in the United Provinces, in Bihar, in the Central Provinces and in the Delhi Province. In the Central Provinces even some military officers connected with the arms depot there have been found in the illicit possession of large quantities of arms and ammunition and are said to have been actively associated with the smuggling of arms to Musalmans. It is not known yet what the extent of arms smuggling is but it is generally believed that it is very extensive.

We have got power transferred to us in these circumstances which are coming

more and more to light now. We had heard something about these things before we agreed to partition but we had no definite information. We had hoped that partition would settle things but unfortunately events are taking a different turn. We are trying our best to control the situation in our part and so far all the Provinces with the exception of a small area in the western part of the United Provinces, parts of Delhi and the East Punjab, have been unusually quiet and peaceful. The trouble is concentrated in the Punjab, both East and West, and in the North West Frontier Province and Sind from where the Hindus and the Sikhs are moving out in large numbers. But moving out is not easy as convoys are attacked and large numbers do not reach their destination. This happens to some convoys going from East Punjab to West Punjab also. Delhi and East Punjab are now in control—U.P. was never beyond control, and unless something turns up again, things will look like normal within a few days.

This is the political situation. The food situation in which you are naturally interested is most grave at the present moment. When you left we were hoping to have somewhat easier time than we had last year but reports came in that the wheat crop had been destroyed by rust in large parts of the country and we estimated ultimately that the loss of wheat due to rust in the area extending from Hyderabad (Deccan) right up to the district of Saharanpur covering Central Provinces and Berar, parts of Bombay Presidency, Central India and parts of U.P. was more than one million tons. The partition has created further difficulty and the standing crop of rice is bound to be damaged on account of the large and extensive movement of population and the sowing of wheat for which this is the season is also likely to suffer considerably in both parts of the Punjab. The monsoon this year was late in coming and there was a time when we were all apprehending the most disastrous situation on account of the more or less complete failure of monsoon but fortunately although it was late in starting it has been a good monsoon and it is hoped that this rainy season crop has not been damaged to the extent it was feared and the latest report is that we may expect something like 85% crop. You know the world situation. We have succeeded in getting an agreement with Argentina for about 6½ lakh tons of wheat, maize, etc. At the present moment we are passing through the most critical phase of the food situation and rationing may break down anywhere any day. Our stocks are so low and there is no means to replenish them. The only hope is that this period of acute shortage is going to be a short one as crops are now already in sight. We all think of you very often whenever we sit and discuss the most serious food problems in the country. I have appointed a Committee with Sir Purushottamdas Thakurdas as Chairman to advise us about the food policy and the Grow More Food plan. You know it has become increasingly difficult to procure. People have become restive under control and there is a widespread demand of a popular kind for removing control and rationing. Mahatma Gandhi has lent his powerful support to this demand but so far as our department and others associated with the actual administration of the Food Department are concerned there is more or less complete unanimity in favour of continuing the present

system. Our Grow More Food plan has not borne very appreciable results and we are hard put to it how to push it through. Since you left there have been great changes in the two departments with which I am associated. In the department which you administered so successfully and so well Vishnu Sahay and R.L. Gupta are the only two old hands. In the Agriculture Department I am on the look out for a Secretary as Sir Pheroze has been asked to take up a job in the Food and Agriculture Organisation. There also most of the old hands are away. Dhar is going away to Iatas. So while the old problems persist and defy solution old hands are no longer at the helm and we have to see how we can carry on.

I am glad your health has improved and you are taking a permanent job which I am sure will suit you best. I hope you have completely recovered from your illness. Please give my best compliments to Lady Hutchings and do write to me now and then. It is such a pleasure to hear from you.

Sir Robert Hutchings
Glaxo Laboratories
Greenford, Middlesex.

59. Report submitted by the members of a committee appointed by the President of the Constituent Assembly of India for the purpose of recommending constitutional changes in five Centrally administered areas

CONFIDENTIAL

Council House
New Delhi
The 21st October 1947

Dear Sir,

We, the members of the Committee appointed by you in accordance with the motion adopted by the Constituent Assembly on the 30th July 1947 for the purpose of recommending constitutional changes in the five Centrally administered areas, viz. Panth Piploda, Andaman and Nicobar Islands, Coorg, Ajmer-Merwara and Delhi, submit this our report and the annexure thereto. We have adopted broadly the principle of responsible government as the basis of the Constitution for the three last mentioned Provinces. We have, however, made some modifications in the provisions adopted by the Assembly in respect of the major Provinces. Before formulating our proposals we fully considered the position of these Provinces with respect to their geography, financial condition and the working of the existing system of government in these areas.

2. Panth Piploda is a small tract of territory consisting of only 10½ villages (sic) situated in Malwa in the Central India Agency. In view of its small size and isolated position we have recommended that it should form part of the Province of Ajmer-Merwara. This step was also suggested by some influential citizens of

Panth Piploda. As regards the group of islands in the Bay of Bengal known as the Andaman and Nicobar Islands which have ceased to be penal settlements, we recommend that they should continue to be administered by the Government of India as at present with such adjustments in their administrative machinery as may be deemed necessary.

3. Before recommending any constitutional changes for the three Chief Commissioners' Provinces of Coorg, Ajmer-Merwara and Delhi which we propose to designate as Lieutenant Governors' Provinces, we took into account the following considerations:

- (a) that the Centre must have a special responsibility for the good government and the financial solvency of these Provinces;
- (b) that on account of the smallness of these areas and the scantiness of their resources, the need for Central assistance will continue for pulling up the standard of their administration to the level in the major Provinces.

Among the important decisions taken by us are:

- (1) Each of these three Provinces should henceforth function under a Lieutenant Governor to be appointed by the President of the Indian Federation.
- (2) Each of these Provinces should normally be administered by a Council of Ministers responsible to the legislature as in other Provinces, but any difference on an important matter arising between the Lieutenant Governor and the Ministry should be referred to the President of the Federation for final decision.
- (3) Each of these Provinces should have an elected legislature which should function like other provincial legislatures except that
 - (a) the Federal Legislature will in the case of these provinces have concurrent power of legislation even in respect of subjects included in the provincial legislative list;
 - (b) all laws passed by the provincial legislature shall require the assent of the President of the Federation;
 - (c) the budget of the Province after being voted by the provincial legislature shall require the approval of the President of the Federation before it becomes operative.

4. We are fully alive to the circumstances which led to the formation of the Delhi Province in 1912. We also recognise the special importance of Delhi as the Capital of the Federation. We are, however, of the opinion that the people of the Province which contains the Metropolis of India should not be deprived of the right of self-government enjoyed by the rest of their countrymen living in the smallest of villages. We have, accordingly, placed the Delhi Province on a par with Ajmer-Merwara and Coorg and have recommended responsible

government subject to the limitations already indicated. Our detailed recommendations are given in the annexure.

Yours sincerely,
 B. Pattabhi Sitaramayya
 (Chairman)
 N. Gopalaswamy Ayyangar
 Deshbandhu Gupta
 K. Santhanam
 C.M. Poonacha
 Mukat Behari Lal Bhargava
 (Members of the Committee)

The President
 Constituent Assembly of India
 New Delhi.

(Annexure)

LIEUTENANT GOVERNORS' PROVINCES

1. Delhi, Ajmer-Merwara including Panth Piploda, Coorg and such other Provinces as may be so designated shall be Lieutenant Governors' Provinces

THE PROVINCIAL EXECUTIVE

2. In each Province there shall be a Lieutenant Governor who shall be appointed by the President of the Federation.

3. The provisions of the Constitution Act relating to the term of office, qualification for appointment, eligibility for re-appointment, conditions of office, declaration before entering office by the Governor shall as far as possible be applicable in the case of Lieutenant Governor. He may be removed from office by the President on grounds upon which a Governor may be impeached.

4. (i) The executive authority of the Province shall be vested in the Lieutenant Governor and may be exercised by him either directly or through persons acting under his authority.

(ii) The power to suspend, remit or to commute the sentence of any person convicted of any offence shall be vested in the Lieutenant Governor as in the case of major Provinces.

(iii) Nothing in this section shall prevent the President of the Federation or the Provincial Legislature from delegating functions to subordinate authorities.

ADMINISTRATION OF PROVINCIAL AFFAIRS

5. (i) There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Lieutenant Governor in the exercise of his functions except

in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion. The number of ministers shall not exceed three except with the approval of the President of the Federation.

(ii) In case of difference of opinion between the Lieutenant Governor and his ministers on any issue which he considers important, he may refer the matter to the President of the Federation, whose decision shall be final and binding upon the Province.

6. The provisions of the Constitution Act relating to the appointment, dismissal and with respect to the determination of the salaries of the ministers in the Governors' Provinces shall, as far as possible, be applicable in the case of Lieutenant Governors' Provinces.

LEGISLATIVE

7. There shall for each of the Lieutenant Governors' Provinces be a legislature, consisting of a single Chamber to be known as the Legislative Assembly. It shall be composed of members chosen by direct election.

8. The term of office of the elected members of the Assembly, the basis of franchise and other general provisions shall be on the lines as provided in the Constitution Act for Governors' Provinces except that the representation of the different territorial constituencies in the Assembly shall be on a scale of not more than one representative for every 5,000 persons subject to a maximum of 33 for Coorg, 15,000 subject to a maximum of 40 in the case of Ajmer-Merwara including Panth Piploda, and 20,000 subject to a maximum of 50 in the case of Delhi.

9. The Provincial Assembly shall not have the power to make laws for federal subjects; and the subjects included in both the provincial and concurrent lists in the new Constitution will be treated as concurrent in respect of these minor Provinces. Laws made by the Federal Legislature for these Provinces in respect of any of these subjects shall prevail over laws passed by the Provincial Assembly in so far as the latter are inconsistent with the federal laws.

10. Laws passed by the Provincial Assembly shall require the assent of the President of the Federation.

11. The provisions of the Constitution Act relating to prorogation and dissolution of the legislature, the right of the Governor to address and send messages, election of members as officers of the legislature and fixation of their salaries in Governors' Provinces shall apply *mutatis mutandis* in the case of Lieutenant Governors' Provinces.

12. The provisions of the Constitution Act relating to the making of declaration by members, vacation of seats, disqualifications of members, their privileges and immunities, salaries and allowances, in the Provincial Legislatures shall as far as possible be applicable in the Lieutenant Governors' Provinces.

13. The provisions of the Constitution Act relating to language to be used in the Provincial Legislatures shall as far as possible be applicable in the case of these Provinces.

ADMINISTRATIVE BREAKDOWN

14. If at any time the President of the Federation is satisfied that the government of the Province cannot be carried on in accordance with these provisions, he should have power to supersede these arrangements, take the administration into his own hands, and make such other provisions for conducting it as he may consider necessary. The exercise of this power will be subject to the usual provisions relating to report to and control by the Federal Legislature in the case of emergencies in a Governor's Province.

JUDICIARY

15. (i) In the case of Coorg, the powers of a High Court shall be exercised by the Madras High Court.

(ii) For Delhi and Ajmer-Merwara there shall be a High Court established in Delhi having original as well as appellate jurisdiction over both the Provinces. The constitution of this High Court, the appointment of judges and their salaries, its jurisdiction and administrative functions shall be governed by the provisions of the Constitution Act applicable to the High Courts.

PROVINCIAL SERVICES

16. (i) For higher appointments provision shall be made in the recruitment of All India Administrative Services for meeting the requirements of these three Provinces.

(ii) Provision shall be made for transfer inter se of service personnel recruited in the above manner in these three Provinces.

REPRESENTATION IN THE FEDERAL LEGISLATURE

17. Notwithstanding anything to the contrary in the Union Constitution regarding the basis of representation for the Houses of the Federal Legislature, each of these three minor Provinces should be treated as a unit of the Federation for purposes of representation in the two Houses of the Federal Legislature.

CHIEF COMMISSIONERS' PROVINCES

18. (i) Andaman and Nicobar Islands and such other areas as may be so designated shall be the Chief Commissioners' Provinces.

(ii) The Andaman and Nicobar Islands shall continue to be administered as at present with such adjustments in the administrative machinery as may be deemed necessary.

Additional note by Shri Mukat Behari Lal Bhargava and Shri C. M. Poonacha to the Chief Commissioners' Provinces Constitution Committee Report

We, the members representing Ajmer-Merwara and Coorg having signed the report find it necessary to append this additional note regarding the future of these two Provinces.

The special problems arising out of the smallness of area, geographical position, scantiness of resources attended with what may be called administrative difficulties of many a complex nature may, at no distant future, necessitate the joining of each of these areas with a contiguous unit. Therefore, we feel that a specific provision should be made in this chapter of the Constitution to make possible such a union after ascertaining the wishes of the people of these areas. No doubt, our attention was drawn to clause 3 of the Union Constitution Committee Report, which is yet to be adopted by the Constituent Assembly, wherein certain provisions relating to the creation of a Province, altering the boundaries of a Province, etc., are embodied. But after careful examination we feel that the proposed clause 3 of the Union Constitution Committee Report is of a very restrictive nature and does not in specific terms contemplate the inclusion of an Indian Province or areas with a State or group of States. Taking into account the situation of Ajmer-Merwara which is surrounded on all sides by Rajputana States such a clause would perpetually leave Ajmer-Merwara in isolation even though the people of Ajmer-Merwara may at any time decide against it. Accordingly we press upon the Constituent Assembly the urgency of incorporating a suitable provision in this chapter of the Constitution so as to make it possible for each of these areas to join a contiguous unit.

60. *A note by Dr. Rajendra Prasad, dated 27 October 1947*

Under the Indian Independence Act the Constituent Assembly has been entrusted with double function: the framing of the Constitution for India and acting as the Central Legislature in place of the Legislative Assembly and the Council of State. It was decided by a resolution of the Constituent Assembly that since the President of the Constituent Assembly happens to be a member of the Cabinet it was improper that he should preside over the session of the Constituent Assembly when acting as a Central Legislature and, therefore, an officer designated as the Speaker should be appointed to preside over the deliberations of the Assembly. The Constituent Assembly is going to sit as Legislature on the 17th November and following days. The Constituent Assembly has its own Secretariat and the Central Legislative Assembly also had its Secretariat known as the Legislative Assembly Department. The question arose as to how the work of the two Secretariats could be coordinated. I appointed a Committee of two representatives from each of the Secretariats and expected that they would give me a joint report. But the two sides could not agree and I

thereupon asked the Constitutional Adviser to give me his opinion which he did but that also is not acceptable. It is therefore necessary to take some action about the two Secretariats. The Speaker will be elected on the first day of the sitting of the Assembly and I propose to discuss the matter with him when he is elected. In the meantime Mr. M.N. Kaul, the Secretary of the Legislative Assembly Department, will continue and act as Secretary of the Constituent Assembly on the legislative side and the officers under him will carry on as they used to do when the Central Legislative Assembly sat. If they require any assistance on account of either increase of work or inadequacy of staff the Constituent Assembly Secretariat will give such assistance. This order will continue in force till I am in a position after consultation with the Speaker to take any final decision in the matter.

Rajendra Prasad
27.10.47

61. *Excerpt from a Constituent Assembly file*

CONSTITUENT ASSEMBLY OF INDIA

The Cabinet has decided that the question of amalgamation of the Constituent Assembly and the Legislative Assembly Department, and the organisation of the future set-up should be put up at the next session of the Constituent Assembly for decision.

It is a matter for consideration now as to who should take the initiative in the matter to place the question before the Constituent Assembly at their next session. Presumably it is a matter for the Secretary of the Constituent Assembly Secretariat to place it before the Assembly.

It is presumed that this will be taken up on a Govt. motion. If this is so, the terms of the motion will have to be settled, also by Government.

As the Hon. the President of the C.A. happens to be also a Member of Govt., it is further presumed that he will move the motion in the Assembly.

A detailed note will be submitted on the organisation and future set-up of the C.A. after the terms of the motion have been decided upon.

Signed (Illegible)
- 8/11/47

It was not the intention of the Cabinet, so far as I am aware, that this should be taken up on a Govt. motion. Govt. have really little to do with it.

I suggest that the question be held over till the Speaker is elected. H.P. may discuss it with him.

Signed (Illegible)
9/11

When the Speaker is elected, I shall discuss the matter and then, if necessary, put up a scheme before the C.A. But it is possible that it may not be necessary to

do so, and the differences, if any, may be settled under powers already conferred by the Assembly and its rules or its President.

Rajendra Prasad
10/11

Fix a time with the Speaker for discussing this matter.

Rajendra Prasad
10/11

Mr. G.V. Mavalankar has been elected Speaker of the Constituent Assembly (Legislative). Hon'ble the President may now like to discuss with the Hon'ble Speaker the question of amalgamation of the Constituent Assembly and the Legislative Assembly Department and the organisation of the future set-up.

The previous papers such as the Mavalankar Committee report, the re-organisation proposals of the Constitutional Adviser, etc., are already with the Hon'ble President.

Signed (Illegible)
18/11

Please see the Speaker's Private Secretary and fix up a time.

Signed (Illegible)
20/11

As directed by H.P., a meeting between the H.P. and the Speaker has been fixed for 10.40 a.m. tomorrow (21-xi-47). I have informed Secy. and J.S.

Signed (Illegible)
20/11

62. *Opening speech by J.B. Kripalani, Congress President, at a meeting of the A.I.C.C. in New Delhi on 15 November 1947, and speech by Mahatma Gandhi thereafter*

PRESIDENT'S OPENING SPEECH

Four months ago, we met here and passed the fateful resolution accepting the Mountbatten Plan. This Plan offered us freedom from British rule at the price of the division of India. We agreed to pay the price because freedom was the prime necessity of our national existence and the British were bent upon extorting the price to secure for the Muslim League its pound of flesh.

The situation in the country had rapidly deteriorated. The Interim Coalition Government was neither a true coalition nor a proper Government. The Muslim League bloc was avowedly hostile and the Viceroy who still wielded supreme power was there to play off one party against the other. The Congress leaders in the Government realised too late that they had played into the hands of the Viceroy in agreeing to take the Muslim League into the Government without

adequate and explicit guarantees of cooperation. Riots had broken out in Calcutta, Noakhali, Bihar and later in the Punjab and the Frontier as a result of the cult of hate, and violence preached by the Muslim League. The Provincial Governments were unable to cope with the riots and Central Government was told by the Viceroy that it could not intervene. The situation was intolerable.

The British Government's Plan of June 3rd seemed to open a way out of this tangle of chaos and frustration. Though the price demanded was the partition of India, the Congress agreed to pay the price in the hope that the Muslim League, having got what it wanted, would cease its hymn of communal hate, and the two dominions, freed from the incubus of foreign rule, would be able to turn their resources and their energy to the reconstruction of the social and economic structures of the two States. The other alternative before us was to withdraw from the Interim Government and rally the nation for a final non-violent battle against the combination of the British and the Muslim League. This was what Gandhiji would have liked us to do, but the Congress leadership found the prospect of an immediate and peaceful transfer of power too tempting and chose the first alternative. Gandhiji himself, knowing that the Working Committee had acted in good faith and international complications would be involved in reversing the Working Committee's action advised you to endorse their decision to accept the June 3rd Plan.

And so India was divided and we became a free people. But hardly were our freedom-celebrations over, when the Punjab was convulsed in an orgy of blood-lust on either side such as India had not witnessed since the days of the wild hordes of Chengiz Khan. Quetta and the Frontier followed suit. Countless men, women and children were massacred, millions rendered homeless and property worth hundreds of crores wantonly looted and destroyed. Even Delhi witnessed a brief spell of communal hysteria, though, thanks to the presence of Gandhiji and the energetic measures adopted by the Government, it was soon controlled. The result of all this is that the Hindu and Sikh minorities in Western Pakistan have lost all confidence not only in the ability but also in the willingness of the Government there to guarantee reasonable protection to their life, property and honour, and the Indian Government is faced with the gigantic responsibility of evacuating and rehabilitating millions of people who should normally have been content to live as law-abiding citizens of Pakistan. The Muslim League had indicated its faith in the two-nation theory by making a decent and self-respecting existence a mockery for the non-Muslims in Pakistan.

How did this colossal tragedy happen? How is it that we failed to anticipate it, though we were warned of it by no less a person than Gandhiji? The fact is that in our anxiety to be rid of the British we allowed ourselves to be taken in by Mr. Jinnah's profession of solicitude for the minorities, when it ought to have been obvious to us that in view of his fantastic faith in the two-nation theory, this profession of solicitude was a mere mockery. You cannot inculcate hatred and teach justice in the same breath. Let me quote what I said in my presidential speech at the Meerut Congress:

If we are to be worthy of freedom we must learn to live together and respect each other's sentiments. Hindu and Muslim minorities are scattered all over this country. No amount of police or military protection can permanently and effectively protect them from the wrath of the majority community if the latter loses all sense of moral obligation towards them. Even Mr. Jinnah's dream of Pakistan, though it has made the problem what it is, holds out no prospect of a solution, for it leaves the minorities where they are. Did his scheme envisage a total and wholesale transfer of population, this scheme might at least have the merit of being a logical solution of the problem, however costly, tragic and inhuman it might be to carry it out. If the Muslim League claims Pakistan on religious and communal grounds, let it face all its implications and not try to eat the cake and have it. This is a terrible solution, as detrimental in the long run to the Muslim interests as to the Hindu, but it is a logical consequence of the communalism with which the League is infecting its followers and which is making a common civilised life difficult.

Looking back over the ghastly tragedy of the last two months, I have no doubt that we would have been wise if before agreeing to partition we had made Mr. Jinnah face the logical consequences of his theory of two nations. We did not and do not believe in this pernicious theory and yet by accepting the June 3rd Plan we were more or less driven to adopt it as the basis of partition. However, my purpose in inviting your attention to this tragedy is not to discuss the past but to seek light for the future so that we may face it with one mind and with a clear conception of the issues at stake.

Those of our Muslim countrymen, and they formed the overwhelming majority of the Muslim community, who misguided by the League leadership helped in the establishment of Pakistan assure us today that they no more believe in the two-nation theory. They are as vehement in their loyalty to the Indian Union as they were for the division of the country. Although we welcome these verbal expressions of loyalty, it is only by their deeds that this loyalty can be tested. Nor is repentance in itself sufficient to wipe out the evil consequences of the mischief already perpetrated. The last few months' experience should teach us that it is easy to divide the country but not so easy to divide the peace of the country. In spite of the national and non-communal basis of our state, we cannot ignore the fact that whatever is done in Pakistan has its inevitable repercussion in India. We should, therefore, frankly tell the League-minded Muslims that though we Congressmen and our governments are determined to protect them, we cannot do so merely on the strength of our police and army. A democracy cannot put down the common man by sheer force of arms. The safety of the Muslims must come from their Hindu neighbours who form a majority of the population and from whom the majority in the ranks of the police and the army must come. These will not be active in affording this protection unless they know that their co-religionists in Pakistan are getting a fair deal.

If that is so, the Muslim community must organise itself to bring pressure on Pakistan to do justice to its minorities. This is the only way that it can show its loyalty to the Indian Union at this critical juncture. If the Muslim community fails in this effort it must be ready to help the Indian Union to adopt whatever pressure international practice prescribes to settle disputes between two independent states.

It is no good shutting one's eyes to facts. We must face them boldly and make up our minds as to what we must do if we wish to preserve the freedom we have won after years of suffering and sacrifice. The issue at stake is the very existence of our state. It is time we realised that the politics of the Muslim League and the principles which govern its policy in Pakistan are the very negation of all that the Congress had stood for and on which we seek to build our own state in India. We believe in a secular, democratic state and, whatever the provocation and whatever measures we may be obliged to adopt to safeguard its security, we cannot think in terms of a communal state. The League, on the other hand, with its creed of Islamic exclusiveness, its cult of communal hatred and its practice of terrorism and treachery is an exact replica of the German Nazis. The more we appease its appetite the more it will devour till, like the Nazis in Europe, it will become a menace to the peace of Asia. If we do not take a firm stand today and prepare against this menace, we shall, like Chamberlain's England, rue our folly.

I do not suggest that we would declare war on Pakistan. Far from it. On the contrary, I hope and pray that such an unhappy contingency will never arise. But I do believe that the only way to avoid the ghastly tragedy of a war between India and Pakistan is to make India strong. There are many sanctions, economic and other, short of war, which we can use to help Pakistan see that friendly and amicable relations with India are to the mutual advantage of both the countries. Fear of the consequences of one's folly is a salutary factor in enforcing international, if not also individual, morality.

Our first and foremost duty today therefore is to sink all our petty inter-group or personal differences in one herculean effort to build up a powerful state which will be a bulwark of peace. I am a believer in non-violence, but I understand the logic of violence. Our state, like every other state, maintains an army and must use it when occasion demands it. Weakness, I hold, is a crime. If we lack the supreme courage of non-violence and the will to follow the Gandhian way, let us at least have the common courage of disciplined violence. We have enough of resources and more than enough of man-power. All we need is organisation and drive to train and equip our men so that every city, every town, every village should have a disciplined citizen-army, which will be an instrument of service in peace and a guarantee of security in war. As far as I know the popular mind, the people are only too anxious to cooperate with the Government in such an organisation. I dare say the Government is aware of the urgency of the situation and is perhaps planning such a drive, but so far there has been little evidence of it, with the result that the people instead of being inspired with enthusiasm and confidence are daily becoming restive and critical and looking to communal

organisations for a lead in this matter. After all in politics we must not only do the right thing but also appear to be doing so.

The people must also realise that a nation's strength is to be measured not by the size of its armies but by the ability of the common citizen to rise to the occasion. The state can cope with external menace only if it can count on the disciplined loyalty of its people. No state can be strong where the people are prone at the slightest provocation to take the law into their hands. Whatever the provocation, the kind of lawlessness that recently disfigured the face of Delhi was the greatest disservice that our people could have done to the state. Apart from the moral degradation involved in lynching innocent men and women for crimes of their co-religionists elsewhere, such anarchy is the very negation of the conditions necessary for protecting our new-found freedom. If the people have a grievance they must look to the Government to take the necessary steps and if the Government of the day is not willing or able to do so, they can demand a change in the Government. But they have no right to deprive others of the elementary rights of citizenship for no other crime than that of belonging to a different religion. Even a criminal in a civilised state has a right to live, unless the state after a fair trial deprives him of it. It is degrading and barbaric of us to assume that a Muslim, because he is a Muslim, is unworthy to be a citizen of this state. All that we can demand is that those Muslims whose past record or present behaviour makes their loyalty to the state suspect should not be trusted with responsible positions in the services, in the interest of the safety of the state. But in no case can the people arrogate to themselves functions which properly belong to the Government. Thereby they will only weaken the state and wreck the very foundations of a stable and civilised existence.

There are at present two sources of friction between India and Pakistan which unless eliminated or wisely controlled in time may develop into major conflicts or war. One relates to the problem of the minorities, the other to Kashmir, Hyderabad and Junagadh. In relation to both these problems, it is desirable that our leaders in the Government should take the A.I.C.C. into confidence and tell us what the present position is and what the Government's future stand is likely to be. On both these issues the nation is deeply agitated and Congressmen ought to know enough of the Government's policy to be able to explain and justify it to the people.

We cannot absolve ourselves of our responsibility towards the minorities in Pakistan. They were part of our nation as much as we are. They suffered and fought as our comrades in the struggle for freedom. They believed as fervently in the Congress ideal of a United India as we did. It is not they but we who voted for the acceptance of the June 3rd Plan which has deprived them of the fruits of freedom and placed them at the mercy of a party in whose ideals they did not believe. And yet, as loyal Congressmen, they accepted our decision in good faith, believing that it was for the good of India as a whole. They believed in our assurance that their rights in Pakistan would be adequately safeguarded. How then can we disown responsibility towards them today? How can we allow them

to be treated as worse than pariahs in Pakistan? How dare we deny or grudge them shelter when they come to us fleeing from terror worse than death? You have then to lay down a policy for all our Provinces to follow. With intelligent planning and proper coordination we should be able to absorb in our economy a few million people. It may take time to do so, but the task should not be beyond our resources.

What however is exasperating is not the nature of the task but the fact that in this, as in several other matters, we do not know where we stand. We seem to be living from hand to mouth and have left the initiative in the hands of Pakistan. We ought to have anticipated the contingency of a transfer of population being forced on us and should have provided for it in the June 3rd agreement. As it is, we have been obliged to accept it with regard to the Punjab. Although Sind, Baluchistan and the Frontier are not included in the arrangement, we are faced with the fact of a daily exodus of the Hindus from these Provinces. Fortunately, the situation in Bengal is comparatively better, but he would be a rash prophet who said that a similar contingency would not arise there. Are we going to let the initiative in this matter to rest with Pakistan so that whenever it suits its Government it hounds the minorities out of its land and forces us to maintain refugee camps in perpetuity? How long are the minorities in each Dominion to look for protection and shelter to the Government of the other Dominion?

The situation is illogical and intolerable. We must finally make up our minds whether the Government of Pakistan can be trusted to look after the minorities. If we are convinced that it cannot, then the sooner we take them over and allow such Muslims as wish to migrate to Pakistan to do so, the better it is in the interest of both the Governments. If, on the other hand, we feel reasonably confident that the Pakistan Government is sincere in its profession to guarantee equal rights to the minorities, then we must by mutual agreement fix a time limit within which citizenship will be freely interchangeable. We must then relax Central and Provincial regulations, if any, about service and settlement in particular areas of the Indian Union for those coming from Pakistan. After the expiry of a fixed date the protection of minorities will be the exclusive concern of the state whose citizenship they have voluntarily chosen to accept. Some such arrangement is the only cure of what threatens to be a chronic disease.

I also feel that since the Congress is a national and not an international organisation, it is inconsistent for us to maintain Congress Parties in Pakistan, once the transition period is over. As it is, we are faced with several anomalies. Many office-bearers of the Frontier, West Punjab, East Bengal and Sind P.C.C.s and members of the Provincial Assemblies there have left their respective areas. Do they continue to represent the Congress organisation there? These are matters about which the A.I.C.C. must give a clear directive to the Working Committee. Personally I feel that the indefinite continuance of the Congress Party in Pakistan and of the Muslim League Party in India is illogical, inconsistent and fraught with complexities.

Coming to the States, I am glad that our Government has declared its policy in

clear and firm terms. Kashmir has acceded to the Indian Union and unless and until the people of Kashmir have constitutionally declared their will otherwise, the Government of India shall meet any unwarranted interference or aggression from outside with all the resources at its command. Nor will the Indian Government recognise or tolerate the so-called independent status of Hyderabad. Fortunately, the Junagadh episode promises to end satisfactorily. While the Indian Government has consistently maintained its democratic stand that the will of the people must be the decisive factor in determining the State's accession, the Pakistan authorities, in their frantic intrigues to grab what they can, have landed themselves in the illogical and absurd position of justifying the Nawab when he flouted his people's will and of repudiating his action when he was obliged to respect their will. I congratulate the Government on its firm action in Kashmir which, though belated, has fortunately succeeded in checkmating the well-planned plot of the Pakistan Government to terrorise the State into submission. The initial success that our army has attained is a tribute to its courage and efficiency. But we must not suppose that we are yet out of the wood. Winter will soon make operations in Kashmir difficult. We must take immediate steps to see that our forces there are not isolated or unduly handicapped by the roads being blocked by snow. I assure the Government that whatever measures are necessary to fulfil our obligations to the people of these States will have the willing and whole-hearted cooperation of our people.

There is yet another problem to which I wish to invite your attention, and that is the problem of the Congress objective and of the Congress organisation. Now that the basic aim of the Congress, which was achievement of independence by peaceful and legitimate means, may be taken to have been achieved, should the Congress as an organisation and as a political party continue to exist and, if so, what should be its programme? I have no doubt in my mind that the need of the Congress to function as a well-knit, disciplined political party is as great today as ever. Even in the recent communal frenzy, it is Congressmen who have kept themselves comparatively free from the prevalent hysteria and by their influence helped the various Provincial Governments to maintain the peace and whatever communal harmony there is. Nor is there in India today another political party that can immediately and effectively fill the gap, were the Congress to disappear from the scene. Moreover, the Congress in the course of its struggle for freedom under Gandhiji's leadership has evolved a concept of freedom which comprehends a programme of social and economic reconstruction not yet realised. We believed not only in an India freed of British rule but in a non-violent democratic society built on decentralised economy which will eliminate economic exploitation of one class by another without investing the state with the monopoly of political and economic exploitation, which is what happens in the centralised economy of a communist or a fascist state. This concept was symbolised in the Charkha on our flag.

To work out the scheme of decentralisation, the Congress under Gandhiji's lead created the Charkha, Gram Udyog and the Talimi Sanghas. Does the

Congress yet hold to the principles and policies underlying these associations? Or do we consider that the three institutions, brought into being by resolutions of the Congress, merely represent the unpractical fads of Gandhiji which we accepted as the price of his leadership? In the former case, the Congress Governments, now that they wield effective power, must carry out the policies worked out by these associations and profit by their knowledge and experience. In the latter case, we must be honest enough to admit that these policies being unpractical are no longer acceptable to our governments and cannot be given effect to by them. The Congress might then dissociate itself from these associations by some kind of declaration or resolution. Not to take either course is to create confusion within the Congress and uncertainty in the nation.

On the other hand, we may not forget that if India is to survive as a free nation in the modern world of aggressive ambitions and heavy armaments, and since the nation seems to have decided that the state cannot be based upon pure non-violence, India must have a powerful army and certain heavy basic industries. We have then to review the whole structure of our economy and finally make up our minds as to what sort of a state we want. That it shall be a democratic state we are all agreed. But what sort of a democratic state? Do we believe in a capitalist economy with its unlimited scope for private enterprise and unrestricted profits? Or do we envisage state socialism of the orthodox western pattern, with its highly centralised economy, state-ownership of all means of production, and the supremacy of the bureaucrat? Or shall we utilise such wisdom as Gandhiji has taught us and experiment with an unorthodox pattern of socialist economy, where industry will as far as possible be decentralised and such enterprises as cannot be so decentralised will be run either on a cooperative basis or owned or controlled by the state? In either case, whether of the orthodox or unorthodox pattern, we have to ask: Have we an adequate, efficient and irreproachably honest army of civil servants who can be trusted to plan, manage or control production and distribution on behalf of the state?

We have a programme for the abolition of zamindari which the Congress ministries in the Provinces are in the process of putting through. Are we going to rest content with abolishing the zamindaris or have we a plan for so ordering our agricultural economy as to increase production as well? Whatever plans we have they have to be executed by the civil service which was trained by the British for one purpose and which has to be utilised by us for quite a different purpose. I know that our leaders, who before they took over the Government used to denounce the civil service as inefficient and corrupt, have suddenly discovered its virtues. We take their word for it, though there is a general suspicion that the services, even where they are loyal to their present bosses, have not changed their attitude to their real masters, the public. However, the unfortunate fact remains that red-tapism, jobbery, corruption, bribery, black-marketing and profiteering are as rampant today as they were in the days of the British. In the streets of Delhi, on the pavements of Connaught Place, black-marketing goes on flagrantly and shamelessly. Where is the police and the dreaded C.I.D. that used

to dog our footsteps? Why can't they bring the black-marketeers and the anti-social criminals to the docks? The common man is as much the victim of injustice and exploitation today as he was before the national flag was hoisted over the Secretariat.

Even more unfortunate is the evidence of decay in the calibre and morale of our political workers. The unity that held us together in the days of struggle and suffering is being increasingly marred by factions and divisions based more on personal rivalry than on any discoverable principles. The spirit of sacrifice and idealism that sustained us and made us what we were is being replaced by competition in power politics. It is tragic that we should disintegrate at a time when we need all our strength, unity and moral resources to justify the hopes that the nation has reposed in us. For if the salt loseth its savour, wherewith shall it be salted?

All these are questions which we must ponder and to cope with which we must mobilise all our moral and material resources.

This brings me to the issue which demands consideration in the present context. It has perturbed my mind ever since my election as President of this organisation. What should be the relation of the Congress Executive or the Working Committee to the Government at the Centre? This is a matter which is bound to affect for good or ill not only the character of the Central Government in the new set-up but the position of the Congress in the country. The indefiniteness of this relation has already caused confusion in the minds of Congressmen and the general public who do not know and cannot yet understand where the responsibility for any particular decision or the want of it lies.

How is the Congress to give to the Government its active and enlightened cooperation unless its highest executive or at least its popularly chosen head is taken into full confidence on important matters that affect the nation? If there is no free and full cooperation between the Governments and the Congress organisation the result is misunderstanding and confusion, such as is prevalent today in the ranks of the Congress and in the minds of the people. Nor can the Congress serve as a living and effective link between the Government and the people unless the leadership in the Government and in the Congress work in the closest harmony. It is the party which is in constant touch with the people in villages and in towns and reflects changes in their will and temper. It is the party from which the Government of the day derives its power. Any action which weakens the organisation of the party or lowers its prestige in the eyes of the people must sooner or later undermine the position of the Government. If therefore the present confusion is not checked in time, I am afraid the Congress as an organisation will speedily disintegrate and its place in the national life will be captured by either some organisation, maybe militant communalism, or by the Communist Party.

I have discussed this problem with my colleagues in the Working Committee on more than one occasion and have also sought Gandhiji's light on it. While no

one disputes the necessity of a close and harmonious cooperation between the Government and the Congress Executive, the difficulty is how to achieve it. The need for this cooperation is recognised in theory but I find it missing in practice. It may be due to the fact that all of us are not united on basic policies. Or it may be that this cooperation is lacking because I who happen to be President of the organisation do not enjoy the confidence of my colleagues in the Central Cabinet. If that is so, then I should be the last person to stand in the way of what is necessary in the interest of this nation. If by eliminating myself I could make room for the cooperation between the Government and my successor, none would be happier than myself. I sought Gandhiji's advice and he agreed with me that under the circumstances I was justified in resigning. And so I placed my resignation before the Working Committee. But in view of the critical situation then prevailing in the country my colleagues were unwilling to relieve me of my responsibility. In deference to their wishes I agreed to continue. Any longer continuance is I feel dangerous both for the Congress and the country.

Realising the critical situation in the country, a heavy responsibility rests on the shoulders of my colleagues in the Government. They are tried and trusted leaders of the people and are guided in their action by the highest motive of service to the nation. I am therefore loth to take any step that may divert the attention of the people from the immediate task of strengthening the state. Nevertheless by allowing the present confusion in the relation between the Working Committee and the Government to continue, we shall in the long run weaken both the Government and the Congress. I therefore want you to consider this question calmly and dispassionately and after hearing all viewpoints and weighing all considerations to give a clear and positive directive which must in future govern this relation. In your discussion you will please avoid the personal factor. It has no place in considering the present situation. You will also treat my decision to be irrevocable.

You have also to decide about the composition of the Working Committee. It is today overweighted with members who occupy office in the Government, either Central or Provincial. Last year when you left the discretion to the President in the matter, it was the feeling of the House that not more than a third of the Committee should consist of such members. I respected this wish of the House in forming my Working Committee last year but since then several of my colleagues have accepted office and the original proportion has been upset. At present a majority of members of the Working Committee are in Government. I would like you to give my successor a clear directive in this matter of the composition of the Working Committee.

I know that by resigning at this critical juncture I am taking a grave decision. It is possible that my point of view may not be appreciated. It is even possible that my motive may be misunderstood. But I must take that risk if I am to be true to myself and to the charge that is placed in my hand. I must therefore efface myself. I do so in the assurance that the national interests which we all hold so dear will be safe in our leaders' hands. Vande Mataram.*

GIST OF GANDHIJI'S SPEECH

After the opening speech of the Congress President, Mahatma Gandhi addressed the A.I.C.C. He dealt with the national traditions and principles of the Congress and said that the duty of every Congressman was to do everything in his power to apply them to the present situation. The Congress was the servant of the whole country and all communities. No Muslim in the Indian Union should feel his life unsafe. All those Muslims who had left India under coercion should be brought back. Indian Union had to do the right thing irrespective of the policy Pakistan adopted. He assured them that if they did their duty Pakistan would find itself obliged to follow suit. Mahatma Gandhi also dealt with communal organisations and their dangerous creed and practice. The proper answer to these organisations, he declared, was the creation of a powerful public opinion by the Congress which would render them ineffective.

He then dealt with controls and expressed his emphatic opinion that they should be abolished if people were to be saved from the grave vices to which controls inevitably led.

*After the House had disposed of the business before it, the President addressed the House and said that since his decision to resign was irrevocable, the House should proceed to elect a new President. Govind Ballabh Pant then moved the following resolution and Rafi Ahmed Kidwai seconded it:

This Committee would have liked Acharya J.B. Kripalani to continue as President of the Indian National Congress till the next elections in the normal course, but as he has expressed his inability to reconsider his resignation, it regretfully accepts it.

The Committee places on record its appreciation of the services rendered by him both before and during the time he has held the office as President.

The resolution was passed by the House. Vallabhbhai Patel then proposed Dr. Rajendra Prasad to be the President of the Congress. Jawaharlal Nehru seconded the proposal. The proposal was unanimously accepted.

While addressing the Committee, Dr. Rajendra Prasad announced his decision to resign from the membership of the Central Government in order to be able to shoulder the new responsibility.

63. *Mahatma Gandhi's talk with Dr. Rajendra Prasad*

November 18, 1947

I realise that just when you started devoting yourself to agriculture you have to give it up.* But there is no alternative. Either this institution [Congress] has to be disbanded or if it has to be kept alive we will need a man of dynamic personality. You should tour the whole country and if possible go to the villages also. The people are agitated but nobody is there to listen to their grievances. We have given innumerable promises in our speeches that we shall ensure the welfare of the people. It is enough that we humbly admit that we are unable to fulfil our promises, and give them a sympathetic hearing ... **

* Rajendra Prasad had resigned as Minister of Food and Agriculture on his election as President of the Congress, the office of which he took over on 22 December 1947

** Omission as in source.

64. *Speech by Mahatma Gandhi at a prayer meeting on 18 November 1947*

Brothers and Sisters,

You must have read the resolutions passed by the All India Congress Committee. Some of those resolutions are useful in our life—in a good part of our life. It may as well be said that they are useful in the life of every man. They are not the resolutions merely to be implemented by the Government. For instance, the resolution on controls is the one which has to be implemented by Jawaharlal, Rajendra Prasad—now Rajendra Prasad is out—and also by others. They have to implement the policy of control on food, cloth and every other thing. We too have to do the same thing. If we resort to cheating and do not abide by the law, the result would be disastrous. When we can do with one yard of cloth, why should we buy ten yards and try to convince ourselves that no harm will be done if it is bought and tucked away in the house? If we develop such an attitude, become self-centred and not think of India we will turn into rogues.

The resolutions of the All India Congress Committee are so important that I wanted to explain them to you one by one. I am still here, and I shall say something about the resolutions if I get a chance. But let me at least tell you the substance today. There is a resolution about bringing back the people who have left their homes in panic and this resolution applies to everybody. All of us, from Kanyakumari to Kashmir, belong to India. What if India has been divided? All of us have to shoulder the responsibility because we are all brothers. If only one individual goes on stuffing his belly and does not care for the poor—if he eats for pleasure—he is stealing and commits a crime against India. What if India does not possess all the foodgrain she requires? The poor also should get foodgrain. If the rich get just a few *chhataks** and are able to manage with the same I would consider that the rich and the poor have become equal. Apart from anyone else, let me talk about the rich person in whose house I am living. If you ask me whether Shri Ghanshyamdas manages with his legitimate quota, I would say he does not. I have got to tell the truth after all. Because he is a man of means, he is able to procure everything. I do not know if all those who come here are able to have milk. I get milk. I do not know how and from where that milk comes. His idea is to somehow get milk for me, whether he has to keep one goat or two; and to get the best quality of wheat, because I am, after all, a mahatma. He provides for me greens or fruits, whatever I want. I do not ask him from where he gets those things. Something must be offered to the members of the Working Committee when they come to visit me. So, they are given fruit juice. He owns property worth crores of rupees. That is the case with the wealthy people. Millionaires can get all those things. But something can happen only when they deprive themselves a little. How else can the poor get things for themselves? Let the rich and the businessmen not indulge in profiteering. Let them become honest. They may make profit but just enough to satisfy their hunger. How wonderful if all of them would follow the same system about profits! Why should there be control on food? There is no need at all for it. It would be good indeed if

everyone became like this.

The most important thing is that we cannot rest in peace till all the refugees go back to their homes. It is madness to kill the Muslims or drive away those who have run away from Pakistan in panic leaving their property there. Now the All India Congress Committee has issued orders that people have to be kept wherever they are, and in comfort, and those who wish to return to their homes have to be sent back. Thousands of millionaires managed to come away even leaving their beautiful houses, but the poor are still left behind. I do not intend speaking about every point today. But the resolution shows where our duty lies. And that is the most important thing. If we take it for granted that the Muslims are a worthless lot, it is a grave sin. It is the supreme duty of all of us not to drive away anyone. People have seen the Working Committee resolution three or four days ago and they have also seen the indications in the Press. In spite of that the Muslims are running away. People say that the A.I.C.C. accepted this resolution because of my insistence. They say that the Muslims should go away, otherwise they would be killed. People ask me if I would be a witness to the slaughter of Muslims. I have already said what I would do—I would 'do or die'. When I am ready to die, the Muslims too should be ready to die if the need arises. We have become so heartless that we want them to walk 300 miles in this cold winter. It is said that there are not too many deaths in the camps—some ten or twenty die every day. Now, out of five, ten or fifty thousands if so many people die, has anyone tried to estimate how many people would die in India at this rate? Should it not be our concern as to how they die? Some of them do not get food, some have cholera, some get dysentery, or something else happens to them. But does anyone bother to know why these people die? We are worried about the availability of food and all the other things we need. We are always on the look out for settling the Hindus and the Sikhs in the houses of Muslim evacuees. Of course, the situation is not the same everywhere. But it is certainly so in many places. This has pained me very much and I have conveyed my feelings to you many times. Now even the A.I.C.C. has said that what has happened is highly deplorable. This thing has to be conveyed to the millions and it cannot be done in one day. There are great men in the Government—Jawahar, the Sardar, Rajendra Babu (but Rajendra Babu is not there now)—and how could [other members] displease them? That is why they agreed to it. I have heard that now there are even some Congressmen who think that the Muslims should not live here. They think that only then can Hinduism prosper. But they do not know that Hinduism is degenerating day by day. It would be dangerous if they did not change their attitude. All the members of the A.I.C.C. are the representatives of India as a whole. If they are all one at heart, as they should be, then the entire face of India would change. It is their duty not to allow anything else to happen. Their primary task is to find out how they can bring back all those who have fled from here. We would be restless till we brought back all the Muslims who have gone away from India. We have to create the necessary climate and that is not difficult. It is a great thing that there are still 350 million Muslims in India. Nobody knows

how many have gone away and how many are going to come. Supposing all those who have gone away came back, it would mean no expenditure for us, for they would be living in their own houses, since they have their houses here. Our job is only to return their houses to them. But are all those houses vacant? Refugees have occupied those houses by force. But they would have to be accommodated in spite of that. If we act without proper thought and if our hearts are not clean, outsiders would wonder if the representatives of India were hypocrites. I think they are not. Those days are over when we used to be angry with the Muslims and wanted them to go away. Today we consider them as our brethren.

I would like to believe that the people of Delhi and Gurgaon have become good. When I had been to Panipat recently, I saw people living in amity. But now I hear that the refugees have occupied the houses of the Muslims and the Muslims want to go away to Pakistan. The Muslims might say that they did not want to go to Pakistan willingly as neither any delicacies nor good clothes would be available there. And how could things be otherwise? The people there are in the same condition as we are here. After all, it is not as if there were more provisions for them there while they had nothing here. Those who have gone away write back that it would have been much better if they had remained in India. Having left their hearth and home, they are now living in camps and are in great distress. It is bound to be so. Then, why do the Muslims of Panipat want to go to Pakistan? If that is so, Panipat is a test for me and I too may have to go there. Panipat is about 50 miles from here. It cannot be called a distant place. It is just like Delhi. Now, even if a single Muslim is forced to go to Pakistan, it would hurt me and it would hurt you. Of course, when they stay here, they must get food and clothes from the money they receive. They are industrious, they earn and subsist on it. How will they live if they earn money but cannot have food? If the craftsmen, who have been like brothers, have to leave just because refugees from the Punjab have come, nothing could be worse than that. I would tell all the refugees at Panipat that they should give up the houses of the Muslims and the Muslims too should say that they would stay there. They should say that they do not need police for protection and they would live in amity. The police should only see to the distribution of food and clothes. They need do nothing more. Then I would say that the A.I.C.C. has done a good thing and we are all with it. We may not be four-anna members of the Congress but we respect the organisation. Let us today also support and follow what this organisation, which has served the country all these days, is with full deliberation saying in these adverse circumstances. That is all I would like to say for the day.

65. *Copy of a note dated 19 November 1947, received from Sir B.N. Rau from New York*

RESULT OF DISCUSSIONS IN WASHINGTON, OTTAWA AND NEW YORK

I arrived in New York on the evening of October 26th and have since had a busy time. I have had discussions in Washington with the Chief Justice of the Supreme Court, the ex-Chief Justice Hughes, and Justices Frankfurter, Burton and Murphy, as well as with Mr. Boland, the Irish Minister for Foreign Affairs; in Ottawa with Justice Thorsen, President of the Exchequer Court, Mr. John Hearne, the High Commissioner for Ireland, Mr. Wershol and Mr. Jackett, constitutional experts; in New York with Justice Learned Hand of the Federal Circuit Court of Appeals.

As the result of these discussions I have already proposed two amendments to our Draft Constitution. These have been explained in detail in my airgraph letter of 11.11.47 and need only be briefly mentioned here. The first of them is designed to secure that when a law made by the state in the discharge of one of the Fundamental Duties imposed upon it by the Constitution happens to conflict with one of the Fundamental Rights guaranteed to the individual, the former should prevail over the latter: In other words, the general welfare should prevail over the individual right. Indeed, Justice Frankfurter considered that the power of the judicial review implied in the Due Process Clause of which there is a qualified version in section 16 of our Draft Constitution was not only undemocratic (because it gave nine Judges a power of vetoing legislation enacted by the representatives of the nation) but also threw an unfair burden on the judiciary, and Justice Hand considered that it would be a mistake to have any justiciable Fundamental Rights at all in the Constitution.

The other amendment is designed to secure that when the national interest requires that a certain matter, ordinarily falling in the exclusively provincial sphere, should be dealt with on a national basis, the Centre should have power to legislate on it on that basis.

Mr. Boland, the Irish Foreign Minister, has suggested that I should visit Dublin and see De Valera. I am hoping to do so on my return journey from New York in the last week of November; this may result in my having to propose a few other constitutional amendments.

The provision in Clause 238 of our Draft Constitution, enabling the Federal Parliament during the first three years to amend the Constitution by a simple Act of its own is regarded here as a wise precaution.

Two other Clauses of the Draft Constitution are of particular interest just now. Clause 230 provides for the appointment of a Commission to investigate the conditions of the backward classes and recommend measures for improving their lot. It is interesting to note in this connection that the President of the United States recently appointed a Committee to recommend measures for the better protection of the Civil Rights of the people of the United States and the

Committee gave particular attention to the position of certain under-privileged classes. The Committee's report has just been published and it amply proves the usefulness of a periodic review of this kind. Besides making a number of valuable recommendations, the Committee has drawn attention to the remarkable work done in this sphere by the Civil Rights Section of the Department of Justice. This Section was started as an experiment in 1939 but it has already proved a most useful agency and the Committee has recommended that its hands should be further strengthened. Clause 229 of our Draft Constitution provides for the appointment of similar agencies in India (they are called Special Officers for Minorities) both at the Centre and in the Provinces and we may confidently hope that they will prove equally successful.

The Canadian authorities, particularly Justice Thorsen, have advised us not to finalise the provisions of the Constitution relating to the relations between the Centre and the Provinces, especially in the sphere of taxation and finance, without a careful study of the Rowell-Sirois Commission's Report on Dominion-Provincial Relations in Canada. The Government of the United States have also just issued the Magill Report on the tax structure of the Federation. Both these Reports may be useful to our Experts' Committee on Finance and I am hoping to send copies of both before I return.

The other materials I have been able to gather here bear, not so much on the Constitution itself, as on the supplemental legislation that will be necessary under the Constitution. Thus, Mr. Hearne, the Irish High Commissioner in Ottawa, was emphatically of the view that India should, as soon as possible, have a Nationality Act of her own and Mr. Boland, the Irish Foreign Minister, explained how Ireland had tried to solve the problem. Apparently, in future, Irish citizens will not be British subjects, even outside Ireland, as they are at present, but neither will they be aliens of the ordinary type; they will be aliens with most of the privileges of British subjects and will be styled "exempted aliens". Reciprocally, British subjects will be granted similar privileges in Ireland, although they may not be Irish citizens. This indicates a possible mode of evolving a common citizenship—or something almost equivalent thereto—even as between countries that do not acknowledge a common allegiance, e.g., between any two members of U.N.O. on a basis of reciprocity. Thus, citizens of state 'A' will not be automatically citizens of state 'B'; but 'A' may grant, within its own boundaries, all or any of the privileges of citizenship to the citizens of 'B' provided 'B' does the same to the citizens of 'A'. -

Again Justice Frankfurter was very emphatic that any jurisdiction, exercisable by the Supreme Court, should be exercised by the full Court. His view is that the highest Court of Appeal in the land should not sit in Divisions. Every Judge, except of course such Judges as may be disqualified by personal interest or otherwise from hearing particular cases, should share the responsibility for every decision of the Court. Regarding the removal of Judges, he drew attention to a provision which had just been proposed in New York State—the provision has since been approved—and which had the support of most of the Judges and

lawyers in this country. The provision is reproduced below:

9-a. (1) A judge of the court of appeals, a justice of the Supreme Court, a judge of the court of claims, a surrogate, a special surrogate, a judge of the court of general sessions of the county of New York, a county judge, a special county judge or a justice of a city court of record, may be removed or retired also by a court on the judiciary. The court shall be composed of the chief judge of the court of appeals, the senior associate judge of the court of appeals, and one justice of the appellate division in each department designated by concurrence of a majority of the justices of such appellate division. In the absence, inability or disqualification of the chief judge of the court of appeals or of the senior associate judge of that court, the court of appeals shall designate a judge or judges from the court of appeals to act in his or their stead.

(2) No judicial officer shall be removed by virtue of this section except for cause or be retired except for mental or physical disability preventing the proper performance of his judicial duties, nor unless he shall have been served with a statement of the charges alleged for his removal or the grounds for his retirement, and shall have had an opportunity to be heard.

(3) The trial of charges for the removal of a judicial officer or of the grounds for his retirement shall be had before a court on the judiciary. The affirmative concurrence of not less than four members of the court shall be necessary for the removal or retirement of a judicial officer. The court in its discretion may suspend a judicial officer from the exercise of his office pending the determination of the proceedings before the court. The action of the court shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any public office of honor, trust or profit under this state, or to retirement for disability; but any judicial officer whose removal is sought shall be liable to indictment and punishment according to law. A judicial officer retired for disability in accordance with this section shall thereafter receive such compensation as the legislature may provide.

(4) The chief judge of the court of appeals may convene the court on the judiciary upon his own motion and shall convene the court upon written request by the governor or by the presiding justice of any appellate division or by a majority of the judicial council or a majority of the executive committee of the New York state bar association thereunto duly authorized. The chief judge of the court of appeals shall act as the presiding officer of the court but in the absence, inability or disqualification of the chief judge, the senior associate judge of the court of appeals sitting on the court shall act as the presiding officer. After the court on the judiciary has been convened and charges of removal have been preferred against a judicial officer, the presiding officer of the court shall give written notice to the governor, the president of the senate and the speaker of the assembly of

the name of the judicial officer against whom such charges have been preferred, of the nature of the charges and the date set for the trial thereof, which date shall be not less than sixty days after the giving of such notice. Immediately upon receipt of such notice the legislature shall be deemed to be in session for the purpose of this proceeding.

Mr. Hearne told me—and the Constitutional Adviser for Burma was told by De Valera himself— that the system of functional representation, provided under the Irish Constitution for the election of the Senate, had proved unsatisfactory and Ireland was passing, or had just passed, new legislation for the purpose.

66. *A note by Dr. Rajendra Prasad, dated 28 November 1948 (addressed to M.N. Kaul)*

Some days ago I called upon Mr. Kaul to give me a list of appointments, officiating, temporary or permanent, made in the Secretariat under him since I had passed an order directing him that no such appointment should be made without reference to me. He has not yet submitted the list. Two days ago he sent a note which was not in compliance with my directions and I passed a second order asking him to submit the list without delay. This order also has not yet been complied with. I expect to receive the list by 12 o'clock on the 29th November.

Rajendra Prasad
28.11.47

Mr. M.N. Kaul, Secretary
Constituent Assembly (Legislative).

67. *A letter from Dr. Rajendra Prasad to Jawaharlal Nehru*

1 Queen Victoria Road
— New Delhi
The 28th November 1947

I know how busy you are and I would not like to add to your worries if I could help it but a situation has arisen on account of some action which I understand you have taken and as it may have implications which might not have struck you at the time when you took the action I think it necessary to write to you. The President of the Constituent Assembly is its supreme head both on its deliberative side and its administrative side and as such I am supposed to be the

head of the Constituent Assembly. The Constituent Assembly has now got two functions, namely, of constitution-making and of Dominion Legislature. As I happen to be a Minister, it was considered desirable to have a Speaker who could preside over the deliberations of the Constituent Assembly when it was functioning as Dominion Legislature. This was the view taken by a committee which was appointed during the August session of the Constituent Assembly and the view of the committee was accepted by the Constituent Assembly by a resolution which authorised me to make the amendments in the rules and standing orders to bring them into conformity with the decisions of the Constituent Assembly. I accordingly took action. The Speaker has been elected for a limited purpose of presiding over the deliberations of the Assembly when it is functioning as Dominion Legislature. The Constituent Assembly has conferred no powers on him on the administrative side. When the old Legislative Assembly was abolished, under the Indian Independence Act, its functions were transferred to the Constituent Assembly and along with its functions its Secretariat also became a part of the Constituent Assembly Secretariat. This is the constitutional and legal position and I have been acting on that basis, but I understand that you have made the appointment of the Secretary of the Constituent Assembly (Legislative). Even under the old regime the Secretary of the Legislative Assembly Department was not appointed by the Government but by the President. This position was secured to the Legislative Assembly by the late Shri Vitthal Bhai Patel when he was elected the President. I understand that it was not without some conflict with the executive authority. The position of the Constituent Assembly as compared to the old Legislative Assembly is very different and it is and it has been accepted and admitted by all to be a sovereign body. That position it has not only as against the Government of India as it was before the 15th of August last but it has that position even now. I therefore cannot understand how the Prime Minister could make the appointment of the Secretary of the Constituent Assembly (Legislative).

I may remind you also of a note recorded by you on the 23rd August 1947* in which you definitely said that the Legislative Assembly Department Secretariat should work under the President of the Constituent Assembly. In view of the constitutional position explained above I am afraid you had no power to make the appointment.

Apart from the question whether the Prime Minister could deal with the Legislative Assembly Department, the present order of yours goes against your previous note.

Yours sincerely,
Rajendra Prasad

The Hon'ble Pandit Jawaharlal Nehru
Prime Minister of India
New Delhi.

*See Jawaharlal Nehru's note dated 23 August 1947.

68. *A note by Dr. Rajendra Prasad, dated 28 November 1947*

On the 21st of August 1947, a Committee was appointed by the President of the Constituent Assembly to consider and report on certain matters concerning the future working of the Constituent Assembly as arising out of the Indian Independence Act and adaptations of the Government of India Act made thereunder. The Committee reported that the business to be transacted by the Constituent Assembly fell under two categories, namely, to work as a constitution-making body and to function as the Dominion Legislature. The Committee was of the opinion that its business as a constitution-making body should be clearly distinguished from its normal business as Dominion Legislature. It further reported that so far as constitution-making is concerned the existing rules of procedure and standing orders made by the Constituent Assembly and its President are adequate but as regards its function as a Dominion Legislature under sec. 8 (2) of the Indian Independence Act, the relevant provisions of the Government of India Act as adapted and the rules and standing orders of the Indian Legislative Assembly, with necessary modifications and adaptations, should be generally followed. The Committee pointed out that the provision for the election of Speaker under sec. 22 of the Government of India Act has been omitted. This read with other modifications of that Act showed that the President of the Constituent Assembly is the person to preside over it when functioning as Dominion Legislature unless other provision is made in the rules of procedure of the Constituent Assembly itself for the election of an officer for presiding when the Assembly works as legislative body. The Committee said: "It has to be remembered that though transacting two kinds of business the Assembly is one and can have only one President who is supreme head of it both on its deliberative side and its administrative side." The Committee pointed out, however, that it would be constitutionally inappropriate for the person presiding over the Constituent Assembly when functioning as Dominion Legislature to be also a Minister of Dominion Government. It was therefore desirable to take steps to avoid this anomaly and one of the methods suggested for avoiding it was to make provision, if the President of the Assembly is a Minister, for the election of an officer to preside over the deliberations of the Assembly when functioning as a Dominion Legislature. The report of the Committee was adopted by the Constituent Assembly by a resolution which authorised the President of the Constituent Assembly to make necessary modifications, adaptations and additions to the rules and standing orders of the Indian Legislative Assembly to carry out the provisions of the report just referred to above. In accordance with the powers conferred by this resolution as also by the Government of India Act as adapted, the President amended the rules of the Legislative Assembly making provision for the election of a Speaker. Rule 2 (A) (3) laid down that "if the President is a Minister of the Dominion or if the office of the President is vacant the Speaker shall preside over the Assembly and exercise all the powers of the President under these rules". A Speaker has

accordingly been elected under these rules.

The position as it emerges under the Indian Independence Act and the Government of India Act, 1935, as adapted and amended, is that although two classes of business are to be transacted by the Constituent Assembly, the Assembly is one and can have only one President, who is supreme head of it both on its deliberative side and on its administrative side. This view has been accepted by the Constituent Assembly itself by a resolution on the report of the Committee. The provision for the election of a Speaker is for a limited purpose and that is that when the President is a Minister of the Dominion or if the office of the President is vacant the Speaker shall preside. So far as the administrative side is concerned the President is the supreme head of the Secretariat of the Constituent Assembly. The Legislative Assembly Department had a Secretariat of its own. With the disappearance of the Legislative Assembly and the Council of State and the transfer of their functions to the Constituent Assembly there can be no separate Secretariat from that of the Constituent Assembly and the Secretariat of the Legislative Assembly Department automatically came under the President of the Constituent Assembly. At the time when the matter was under consideration by the Committee the Prime Minister passed an order that the Legislative Assembly Department should function under the directions of the President of the Constituent Assembly so that whatever doubt there was with regard to the position of the Secretariat of the Legislative Assembly Department was removed by its being placed under the President of the Constituent Assembly.

Two questions have now arisen:

(1) The President of the Constituent Assembly who has been a Minister has tendered his resignation of the office of Minister; thus one of the contingencies in which the Speaker would preside over the deliberations of the Constituent Assembly (Legislative) has disappeared and the President becomes automatically entitled to preside over the Assembly even when it is carrying on functions of Dominion Legislature. The President, however, is not keen on exercising that power and is prepared to stand down and let the Speaker preside. This can be done by a simple amendment of the rule which he is empowered under sec. 38 (3) of the Government of India Act to make. The amendment is to the effect that the Speaker may preside also if the President is absent and the President proposes not to attend sessions of the Assembly when it is functioning as Dominion Legislature.

The Speaker has suggested certain amendments the effect of which is to make the President and the Speaker independent of each other, the one functioning when the Constituent Assembly is engaged in constitution-making and the other when it is engaged in legislative business. The amendment is sought to be made by means of a motion in the legislative session of the Assembly. This is evidently outside the competence of that Assembly. As regards the administrative side, the rules of the Constituent Assembly are definite and unambiguous. The President is the head of the office of the Assembly and shall exercise in respect of the office of the Assembly all powers of appointment, control and discipline. As the

Legislative Assembly has no independent existence apart from the Constituent Assembly, its functions having merged in that of the Constituent Assembly, there can be no separate existence of its Secretariat and its Secretariat must also be under the control and discipline of the President. Some confusion has arisen because the position has not been fully appreciated by the Secretariat of the Legislative Assembly Department.

The President appointed a committee consisting of members from the Constituent Assembly Secretariat and the old Legislative Assembly Department Secretariat to report as to how the work could be coordinated and to what extent they could be amalgamated. The Committee did not make any report as the two sides could not agree. He thereupon passed an order maintaining the status quo so far as actual day-to-day working was concerned. This was necessary as a session of the legislative side was coming on and it was felt that the old Secretariat which had experience of that kind of work should be required to do it. It was at the same time laid down that when the Speaker was appointed the President would discuss the matter with him and then decide what the set-up of the Secretariat should be. The President also ordered that no appointments even of a temporary kind should be made without reference to him. It has been brought to his notice however that some appointments have been made and no reference has been made to him. He called upon the Secretary to give a statement about the appointments which have been made. This order was passed several days ago but was not complied with. Instead it was pointed out that it was not clear what kind of appointment the President had in mind and a distinction was sought to be made between the period preceding 17th November and the period succeeding that date. Evidently the date is mentioned because it was on that day that the Speaker was elected and the idea seems to be that after that day the President has ceased to have any control over the Legislative Assembly Department Secretariat and therefore was not entitled to call for the information. The President reiterated his demand for the information and although more than two days have elapsed it has not been complied with. It has therefore become necessary to clarify the position.

As stated above under the rules of the Constituent Assembly and under the Indian Independence Act and the Government of India Act as adapted the President of the Constituent Assembly continues to be its supreme head both on its deliberative and administrative sides. The device of having a Speaker is for the limited purpose of avoiding the anomaly which has arisen on account of the President being a Minister of Government. The functions of the Speaker are limited to presiding over the deliberations of the Constituent Assembly when functioning as Dominion Legislature and do not extend to any administrative control. Even as regards presiding over the Dominion Legislature he can do so only so long as the President happens to be a Minister of the Government under the existing rules which it is proposed to amend so as to enable him to preside upon the deliberations when the President is absent.

Rajendra Prasad

28.11.47

69. *An appeal by Dr. Rajendra Prasad for cooperation in the revised food policy*

New Delhi
December 10, 1947

I desire to speak about the new food policy which the Government has adopted. It would be remembered that the existing system of control and rationing was introduced during the war as a war-emergency measure. Before the war India used to import 1½ million tons of rice mostly from Burma. When Japan overran Burma, this import ceased. This combined with other conditions created by the war and abnormal seasonal disturbance created conditions of scarcity. Control of prices was introduced at first and it was followed by rationing which starting with bigger cities gradually spread over a very large area. In 1944 only 26 million people were under rationing and controlled distribution, whereas in March 1946 the number reached 171 million. The sources from which supplies could be obtained for maintaining rationing were mainly two, namely, internal procurement and import. These did not increase proportionately. As against 51 lakh tons procured and imported in 1944 when the rationed population was 26 million, in 1947 we had not got more than 61 lakh tons during the first 9 months when the population under rationing and controlled distribution reached 171 million in India before the Partition. No wonder that the difficulty in maintaining rationing has been increasing daily and during recent months rations had to be considerably cut down. To begin with, the ration used to be 1 lb. for adults, ½ lb. for children and an additional ½ lb. for heavy manual labourers. In 1946 it had to be reduced to 12 oz. for adults, 6 oz. for children and 16 oz. for heavy manual labourers. In 1947 it had to be reduced in some cases to 8 oz. and in most cases to 10 oz.

INCREASING PRICES OF IMPORTS

Our procurement has presented ever-increasing difficulty and forced levy has had to be enforced with great difficulty by the Provincial Governments. We have never had our full requirement from abroad, and imports have become dearer and dearer from year to year. Burma rice which we got in 1946 at Rs.10 per maund, its price rose to Rs.17 in 1947 and we shall have to pay Rs.21 per maund in 1948. Wheat which we got at Rs.7 per maund in 1944 we shall get at Rs.15 per maund in 1948. In order to get the price of imported grain at the level of internal price the Government has had to pay a subsidy of more than Rs.20½ crores in 1946-47. It is estimated that it would be, for the first 9 months of 1947-48, Rs.17½ crores and Rs.22½ crores for the whole year. Apart from this it is becoming more and more difficult to find foreign exchange for paying for big imports.

FOOD POLICY COMMITTEE

All these difficulties indicated a review of the whole policy and in July in consultation with Provincial Governments and Ministers it was decided to appoint a Committee of Experts. A Committee was appointed which made recommendations. The Government after deliberations with the Provincial and State Governments and Ministers has now come to a revised policy. The main features of this policy are: firstly, to gradually remove control by withdrawing rationing gradually so as in due course to lead to complete decontrol and rationing; secondly, to reduce dependence on imports and to increase procurement and expansion of production within the country; thirdly, to allow Provinces to fix the price for procurement and to share the burden, which the Government of India solely bears, of the subsidy required for equalising price of imports with internal prices; and, fourthly, to build up a reserve to meet an emergency.

SAFEGUARDS

It is recognised that there are risks, particularly of rise in prices, on account of this policy of gradual decontrol, but on the other hand there was the fear of complete failure of the rationing system on account of reasons already enumerated. It was felt that the second alternative was more disastrous and the Government has decided to adopt the first. Mahatma Gandhi has raised a powerful voice against control and this made it more difficult. At the same time the same powerful voice will considerably improve the chances of the success of the new policy. The Government in arriving at this policy has taken precautions so that if things take an unexpected turn for the worse, it may retrace its steps and avert any serious development.

COOPERATION NECESSARY

The new policy depends on voluntary effort for what has so far been achieved under compulsion of law. The producer is expected to make more grain available than he has done so far for the market. In this he will be aided by the higher price which the Provincial Governments will pay. The consumer is expected not to increase his requirement unduly and to realise that any extra grain taken by a well-to-do person means so much less for the poorer and more unfortunate people in the land. The trader, it is hoped, will play his part and not make undue profit by taking advantage of gradual decontrol. I have reasons to hope that he will do so. For, his self-interest, if nothing else, ought to dictate to him that it is not wise to kill the hen that lays golden eggs, because the failure of gradual decontrol will inevitably lead to more rigid control eliminating him altogether. The control was successful to the extent it was, on account of the cooperation of all concerned. My appeal is that all will cooperate to make the new policy

successful. Control was a war-emergency measure. It has to end some day. A decision has been taken to end it gradually and to return to normal life. It is everyone's duty to help restore normal conditions and I hope this appeal will be responded to as previous appeals have been responded to by all.

70. *Speech by Dr. Rajendra Prasad, Minister in charge of Food and Agriculture, on 10 December 1947*

THE HON'BLE DR. RAJENDRA PRASAD (Minister in charge of Food and Agriculture): Sir, I am not at all surprised with the reception which the Government policy has got in this House. It, in the course of the reply, I do not refer to every individual member who has participated in this debate, it is not for lack of respect for the views expressed but because I think it would be best to deal with the questions that have been raised in a comprehensive way rather than by taking it point by point raised by each speaker.

It has been suggested that control should be continued, because control is in consonance with modern economic thought and to the extent that we have already got it, we should not give it up, but rather we should extend it. I may assure Hon'ble members that in coming to the decision to which I have come and which has been endorsed by the Government we have not been influenced by any such larger issues as are involved in that suggestion. We have not been thinking of the Marxist theory or of any other theory in coming to that conclusion, but we took facts as they are, the difficulties that we have to face, and the further difficulties which we anticipate and we came to certain conclusions. If it were a case of planned economy, as has been suggested by another speaker, which we were going to disturb, the position might be different. But, as we all know, these controls are a legacy of the war and war conditions. They arose, as has been pointed out, in a haphazard manner; they have grown equally in the same haphazard manner. And if we want to have planned economy the first step is to scrap this haphazard growth and then think of that planned economy. I should not like planned economy to be introduced by the backdoor in this way. Let the country, let this House, let Government make up their minds about planned economy; let them prepare a scheme of that planned economy and then introduce it. That may be something worth having, not this pseudo planned economy which has neither its birth—illegitimate birth—nor is going to have its end in anything like planned economy. I would therefore not expect Honourable Members to look upon this decontrol as a rejection of the policy of planned economy. It has nothing to do with that. That is a different matter, an independent matter which has to be considered when the time comes for it.

We have been told that decontrol, even if it is in a progressive way gradually introduced, is bound to lead to a spiral of inflation. In the very beginning I was careful enough to inform the House that we did apprehend that there were risks

in the policy which we are accepting. We did apprehend that there might be a rise in prices; and having appreciated the risks involved we decided that it was better to take those risks rather than to take the greater risk of a complete breakdown which will end in greater disaster. Therefore if there is a rise in prices we should be prepared for that; only it should not be allowed to go to such heights that it may upset our whole economy. If there is going to be a disturbance generally in our economic life we should be prepared for that; only it should not be allowed to go up to such an extent as to make our life difficult in this country and to upset our whole economy. Therefore the policy which Government have adopted is a policy of gradual decontrol. I am thankful to Mr. Santhanam who suggested the expression 'planned decontrol'. That is exactly what is intended; we are not going to decontrol—come what may—tomorrow or the day after; that is not the intention. What is intended is that we shall take each step, watch its effects, see the developments; and if we find that as a result of the step that has been taken any serious difficulties are taking place, we have kept the door open for retracing our steps if it becomes necessary. That does not mean that we are not going to stick to the policy which we have adopted; it only means that if this policy fails, if there are indications that it is going to fail and to end in disaster, we shall retrace our steps; not that the moment we have taken the step and we find that there is something wrong here and there we shall retrace our steps. That is not the idea and that cannot be the policy of Government under any circumstances. If Government have to take certain decisions, they have to stick to those decisions until circumstances arise which make sticking to that decision detrimental to the best interests of the country; and that is what we propose to do. I am not at all afraid that the prices will go up to such heights as are feared by some Honourable Members of this House. As I said, my own appreciation of the situation is that the prices may go up to some extent but they can never go to the heights which black market prices have reached. We are told that there are various kinds of prices and markets now prevalent,—white, grey, black and another which was characterised by an honourable friend as jet-black. While undoubtedly there are gradations I think we shall be somewhere near the grey; we shall not get the black market and certainly not near the jet-black. I think in this country grey is the best colour for all things.

Sir, I listened with great respect to the speech of my honourable friend Pandit Kunzru whose devotion to duty, whose sacrifice, whose learning and whose knowledge we all respect. I listened to him with all the respect that is due to him, but I found that he relied upon the kind of arguments on which all who have fought against decontrol have relied. I should have expected from him an analysis and a consideration of the situation as it prevails in this country and then to arrive at conclusions which will be in keeping with those conditions.

AN HON'BLE MEMBER: His time is short.

THE HON'BLE DR. RAJENDRA PRASAD: It may be that if he had more time he would have probably developed his argument, but I am sorry I can go only by the arguments that were advanced and I cannot wait for the other arguments that

were not advanced by him. One argument that he put forward was that other countries like America are either maintaining or reimposing control whereas we are thinking of removing control, even though in a gradual way. I do not think it is always correct to take the analogy of other countries and to apply them in their entirety to our own country, because conditions differ. If the arguments that have been put forward by several honourable members in this House are to be accepted, namely, that decontrol can only be possible if there is a surplus, there is absolutely no reason why America should have control, because it has not only a surplus for its own needs, but it has a tremendously big surplus which it exports to other countries. If the existence of a surplus is all that is required for decontrol there is no reason why a country with a surplus should have any control at all at any time. But in spite of that big surplus I understand America is now reimposing control, and control is being maintained or continued in some other countries which have a surplus.

It has been said that ours is a deficit country. Yes, from the figures available it is a deficit country. But the deficit is not very heavy and, as pointed out by an Honourable Member, it does not exceed 10 per cent; the deficit is probably nearer 5 per cent.

Now in a country of our dimensions, if we could raise one maund more where we are producing ten maunds, the deficit will be more than wiped out, and that I believe is not an impossible task. After all, whether we have control or not, the food position in this country can improve only if there is more production and that is true not only of food but of every other thing which is in deficit. Therefore naturally the attention of the Government must be concentrated more on the production side than on the distribution side. From my own personal experience of only 15 months in this office, I can say that this control has taken more of my time than production. I think that is a position with all who are engaged in this work and who are interested in it. Controls take an abnormally long time; they take a disproportionate amount of more attention than necessary and the result is that control requires more control and more control requires still more control, and we are landed in what has been called a spiral, not of inflation but of control, with the result that we reach a position when we cannot think of getting rid of this control. As I said in the beginning, these controls are a legacy of the war. They are not normal things. The deficit which the country is now experiencing is not a new deficit. Even before the war we were importing 1½ million tons of rice. That deficit was there. Did we have control then? Did we not manage without controls till before the war? And if war had not come, could anyone have imagined that we would have introduced controls in this country? Now that the war is over, now that the exigencies which made these controls necessary on account of the war have disappeared, isn't it better to come back in due course to the position in which we were before the war, that is to say, even if there is a deficit, let the deficit be met in the normal way in which a deficit has been met in the past, in which it is being met in some other countries, or in which it may be met in this country, without control.

What I have been pleading for is this: that the time has come when we should think of going back to normalcy and not stick to the abnormal conditions which have been created by war, and this is a step in that direction. But, as I have said, because we felt that there were risks involved, we thought of going slowly and of waiting and watching at every step the effect of the action taken and then proceeding without taking undue risks. That is what we propose to do. Therefore, if normalcy has to be restored, this vicious circle has to be broken at some place, and we have decided that we should begin the breaking at this point, and we are going to do it.

It has been pooh-poohed that decontrol will increase supplies, will release larger quantities of grain from producers which will be brought into the market. Presumably I do not think that it is a thing to be pooh-poohed. We know how panic works. The mere existence of control creates panic and that panic leads to hoarding; hoarding not in a bad sense. I do not mean hoarding of profiteers. I mean hoarding by people of ordinary prudence, with ordinary commonsense, with ordinary intelligence, so that they might not have to meet a certain emergency in future. Because of the existence of control they fear that something might happen when they would not be able to get grain, because if there were grain there would be no control. Because there is no grain, there is control, and therefore we must keep back something which may be of use in time of need. As soon as this panic disappears, as soon as people feel confident, more and more will come into the free market and more and more will be actually available, just as it used to be before the war, before controls were introduced and before controls were in force.

I anticipate that there will be not an inconsiderable amount of grain which will come into the market as a result of progressive decontrol, and there will thus be a larger quantity available. But let us look at it from another point of view. After all, by this method of decontrol, are we going to lessen the quantity of grain now available in any way? The grain that is now available in the country will be there. The imports will be there. We are not stopping imports. Therefore whether we control or do not, the grain that is now available will be available even after decontrol.

PANDIT HIRDAY NATH KUNZRU: But will you get foodgrain if you decontrol now?

THE HON'BLE DR. RAJENDRA PRASAD: We used to get it before.

PANDIT HIRDAY NATH KUNZRU: But you used to after introducing rationing. Will you be able to get it now after accepting a policy of removing control over the distribution of foodstuffs?

THE HON'BLE DR. RAJENDRA PRASAD: I have no apprehension that we shall not get the grain. All that the international body is interested in is to see that the grains we get is not used for profiteering purposes or used by private individuals for making undue or illegitimate profit out of them.

The position of the country is well known. That we are a deficit country is well known as we shall continue to press our case before international organisations.

We shall continue to import from other countries on the understanding and on the condition that no profit by private parties or by individuals will be allowed to be made out of this grain which is imported. There is no reason why they should withhold the grain which they have been giving us up to now.

Therefore, I do not apprehend that we shall lose our imports. After all, these imports are very costly for us. I wish we could do without them. We should try to do without them, and the Government must try to do without them as far as possible. Members will be shocked if they learn the prices that we have to pay simply because we import.

The procurement price of rice in Burma is only £18 per ton, to which may be added certain charges to make it £25. This is how it was calculated last year:

Procurement price in Burma	£18
Handling charges, sewing gunnies, etc.	£1.25
Overhead and loss by deterioration at 7½%	£1.5
Export duty	<u>£4.25</u>
This came to	£25
	per ton.

To this there is to be added 33% rehabilitation charges, coming to £8/6/6, and the price which we paid was £33/6/6 in 1947.

SHRI BALKRISHNA SHARMA: What are these rehabilitation charges?

THE HON'BLE DR. RAJENDRA PRASAD: Burma needs money for rehabilitation and she wants to get that out of her exports.

MR. NAZIRUDDIN AHMED: Something like a donation for the price?

THE HON'BLE DR. RAJENDRA PRASAD: I cannot say a donation but they are entitled to sell their goods at whatever price they want. In 1948 this price is going to be £38 per ton. Now you can imagine how hard it is on this country to have to pay this high price. But Burma alone is not to blame.

I have got the figures for Argentine. Let it be said to the credit of Argentine that it does not hide the fact but admits that it wants to make profits out of other countries as much as she can. The purchase price of wheat was 16 pesos per 100 kilos at port or Rs.5/10/- per maund according to our calculation. The export price was 40 pesos which comes to Rs.14/1/- per maund. These prices relate to 1946. In 1947, the producer's price of wheat was 15 pesos per 100 kilos which came to Rs.5/7/- per maund and the export price was 60 pesos, which came to Rs.21/13/-. If we took corn their own procurement price was Rs.3/10/- per maund and we have got to pay 35 pesos which comes to Rs.11/11/- per maund. This is what we are paying to other countries on account of these imports.

Australia has been a very good neighbour, I must admit. Australia has considered our needs and at the present moment we are engaged in very delicate negotiations. But even with regard to Australia we have to say that we have to pay very heavy prices. The price guaranteed to the farmer by Government is 5s. 2d. per bushel f.o.r. at the port of shipment, which comes to Rs.3/7/- per maund.

The export price to India is 109s. per 480 lbs. or 17s. 4d. per bushel which comes to Rs.11/11/- per maund. The price demanded now (and this is under negotiation at the present moment) is 18s. 6d. or Rs.12/6/-.

For the purpose of maintaining control and rationing all this import becomes absolutely necessary and if Government has to import it has to pay the high prices. If things were left to return to normalcy I am not without hopes that the position might improve. I cannot say that it will improve. Our dependence upon imports must be reduced as far as possible and that is the policy which we have adopted. We have decided to encourage procurement within the country by giving bonuses for procurement, so that if we have to pay anything it goes to our own people and in any case it does not add to the poverty of the people but enriches them to some extent.

It has been complained that this policy does not say anything about increased production. As I said in the beginning, that matter is still under consideration and no decision has yet been taken. In fact the Committee itself has not made any recommendations on that point but that does not mean that no attention is going to be paid to that aspect. As a matter of fact with less of control, with less attention required for maintaining control, more attention is bound to be devoted to the production side and that is what is going, I hope, to take most of the time and attention and I hope also that the funds that are now being wasted on imports will also go to increase production.

What I have said is only hope and expectation or, as Pandit Kunzru would have it, only pious wish, which he thinks is only another name for self-deception, if not hypocrisy. It all depends on how one looks at it. If one really feels that it is all false and still expresses the hope, it is hypocrisy. If, on the other hand, one really hopes that things will turn out well and expresses that hope, it is not hypocrisy. I submit that it is a genuine and real hope and sometimes hope is fulfilled, even though it appears at first that the hope may not be fulfilled.

I did not bring in the name of Mahatma Gandhi to support the policy of decontrol. I mentioned him as a difficulty in the way of maintaining the control. Pandit Kunzru thinks that that is the argument in favour of decontrol. To many people that should be a conclusive argument. In this country we have seen that it has proved a conclusive argument on many points. I can say from my own experience extending over thirty years of close association with him that my intellect and my logic have very often failed to reconcile themselves to what I call his prescience or what Pandit Kunzru will call his instinct or dictate. But I have found that his instinct has proved to be true and my intellect and logic have proved to be false. I am not without hopes that in this case, at any rate, his instinct will prove to be true and all our intellect, all our intellectual gymnastics and logic will prove to be false.

It is not necessary to go into the details of the other points that have been raised. I desire to give the assurance to this House that we propose to hasten slowly, to go along with caution and not to close the door for retracing our steps,

if we find that we are treading on dangerous ground. As to the other assurances which have been asked for by some other members I am in a position to give some of them. I am prepared to say that we shall do the best that we can for improving and increasing our production. We shall try to build up a reserve. I must say that we cannot build it up in a day. In five or six years of control we have not been able to build up any stock at all. Now in a year of progressive decontrol we are going to try to build it up. Hon'ble Members can very well understand the difficulty. They can realise that what has not been achieved during the period of strict control all these years cannot easily be achieved in a period of decontrol. Nevertheless we are going to do it and I am prepared to give this assurance that we shall do our best in that line.

There has been a lot said about deaths and things of that sort. Well, in spite of what has been happening I am not one of those who can revel in deaths, and I am sure nobody in the Government can think of deaths due to starvation with any sense of equanimity. The whole policy is not intended or even expected to bring about deaths, as some Member was pleased to say that it would end only in uncontrolled death. All that I say is that if any situation arises which threatens to bring about deaths due to starvation we shall be prepared to reconsider the whole thing and to do what is thought best in the circumstances. For that purpose, as I have said, we propose to keep the organisation more or less intact for some time. Whatever difficulty arises, it will be more in the beginning and gradually things will settle down. So it is in the earlier part of decontrol that all this difficulty will have to be experienced and faced, and we are going to face all these difficulties with the consciousness of being prepared to meet them, because we propose to have the organisation intact.

Some other suggestion has been made that in order to help grow more food we should institute a number of prizes. That is a good suggestion and I am sure the Government will bear that in mind and will take steps in that direction. Other suggestions for improving our production will also naturally be accepted with alacrity and pursued.

One word more about sugar. There has been a lot said about decontrol of sugar, that the price of sugar has suddenly shot up from Rs. 21/4/- to something like Rs.35. The increase in the price of sugar is not due to decontrol but, as I said, it arises out of conditions which now prevail when the new season is starting and when fresh sugar is being manufactured. The price of sugarcane is increased; the wages of labour are increased; and these two between themselves make a very big difference—from Rs. 1/4/- per maund for sugarcane to Rs.2 and from Rs.22/8/- of wages to Rs.45. These are big differences and we can easily understand that if the price rises to Rs.35 it is not on account of decontrol but on account of these other elements which have come into force.

PROF. SHIBBAN LAL SAKSENA: The price is Rs.8/8/- whereas it was Rs.6/8/-.

THE HON'BLE DR. RAJENDRA PRASAD: The Honourable Member wants to go into the figures meticulously. That can be done, but I am taking the figures by and large. And I say that these two big elements in the cost of production are

largely responsible for the increase in the price of sugar.

AN HON'BLE MEMBER: What about old sugar?

THE HON'BLE DR. RAJENDRA PRASAD: The price is that of the new sugar. Can you have in the market two prices of sugar—one for old and another for new sugar? Can we do that and is it possible? And how is the purchaser going to distinguish between the old sugar and the new sugar, and how can he insist on the old sugar for Rs.21/4/- or be prepared to pay Rs.35 for the new sugar? That cannot be done. It can only be done by taking away the extra price which the old sugar now fetches, and that is exactly what has been done. All that Government has done is to freeze all the old stock at the price at which it was selling on the day of decontrol. It is now for the Government to release this sugar at whatever price it likes and it proposes to take the bulk of this increase to itself because it is not possible to maintain two prices in the market. That is what is being done.

I must pay a tribute to the Premier of U.P. who has been largely responsible for bringing this about. I cannot also refrain from paying a compliment to the millowners who have been coming in for a certain amount of abuse. They have come forward with proposals to keep down the prices of sugar and there has been an arrangement made with them that the prices will not be allowed to go beyond what they would have been if control had continued. I think we should be satisfied with that. What we were able to enforce by law we are now getting out of them by their consent. I think that is any day better. I have no reason to think that we shall be let down. But if that happens, we still have the power because we have still got sugar in our control.

I hope, Sir, I have touched the points which have been raised, and I am grateful to the members for the interest which they have evinced in this. The difference of opinion in this House is only a reflection of what prevails in the country at large. If I am not disclosing a secret it is only a reflection of what we have in our own Cabinet. So there is no reason to fear that anything disastrous is going to come about and we can in a spirit of helpfulness accept the decision and go forward.

SHRI DESHBANDHU GUPTA: Before the House disperses, as Delhi is under the direct charge of Honourable Minister, may I enquire as to what will be the effect of these decisions on control so far as Delhi is concerned, both in respect of cereals and sugar?

THE HON'BLE DR. RAJENDRA PRASAD: As I have said, the decision is left very largely to the Provincial Governments.

SHRI DESHBANDHU GUPTA: There is no Provincial Government as such in Delhi.

THE HON'BLE DR. RAJENDRA PRASAD: There is a Provincial Government even in Delhi.

SHRI DESHBANDHU GUPTA: It is only in name.

THE HON'BLE DR. RAJENDRA PRASAD: We cannot do anything over the head of the Provincial Government. But there is no doubt that all points will be taken into consideration by that Government. If there is any question in which we can help we will certainly do so.

SHRI DESHBANDHU GUPTA: But there is no sugar in Delhi for the last three days.

THE HON'BLE DR. RAJENDRA PRASAD: Sugar will be available very soon.

THE HON'BLE DR. RAJENDRA PRASAD: Sir, I beg to move:

That the food policy of the Government of India be taken into consideration.

The food policy, Sir, is the result of certain war-time emergency measures which had to be taken during the course of the war. It will be recalled that before the last war commenced India used to import something like 15 lakh tons of rice, mostly from Burma. The effect of the war was not felt during the first two years so far as food was concerned, but when Japan entered the war and Burma was overrun this import of rice from Burma ceased and difficulty began to be experienced throughout the country on account of the cessation of this import. The Government towards the end of 1941 took note of the situation and ordered control of the price of wheat in the month of December 1941. But very soon the emphasis shifted from wheat to rice and the Provinces, particularly in the South, which were deficit in the supply of rice found it increasingly difficult to meet their requirements. It became necessary, therefore, to take steps to meet the situation which was becoming more and more acute. Ad hoc action was taken from time to time by Provincial Governments or by the Government of India and movement of grain from one Province to another was restricted. Sometimes even movement within a Province was restricted. The Government appointed a Foodgrains Policy Committee which made certain recommendations. The principal recommendations of that Committee were: maintenance of pre-determined price level, movement of supplies in accordance with the basic plan, and, lastly, the building up of a reserve. The Famine Enquiry Commission which was appointed after the Bengal Famine endorsed these recommendations of the Foodgrains Policy Committee and the present policy which has been in vogue up till now is based principally on the recommendations of these two bodies. As a natural corollary to these recommendations Government had to restrict movements, to control movements, to control prices, and had gradually also to adopt action for the purpose of distribution, that is to say, something in the nature of rationing. Rationing was introduced first in the bigger cities with a population of a lakh or more; gradually it was extended to smaller cities with a population of 50,000; and ultimately it had to be extended even to rural areas. The areas in the South like the States of Travancore and Cochin which are heavily in deficit had to resort to rural rationing almost from the beginning. Rationing gradually expanded. It was hoped that with the end of the war many of the restrictions which had been necessitated by it would disappear. But unfortunately a situation developed, largely on account of the failure of monsoon and other natural causes, which not only made it impossible for rationing to be abolished but actually expanded it. And the biggest increase in the rationing area has really taken place after the end of the war in 1946 and 1947. I may just mention that in 1944 when rationing was introduced, there were only 26 million people under rationing; in 1945 the

number rose to 52 million, in 1946 it rose to 100 million, and in 1947 before the partition it came to as much as 171 million. Now in India it is something like 148 million.

The rationing at its start was with a basic ration of one pound per adult, half a pound for children, and half a pound extra for heavy manual labourers. It has not been possible to maintain this rate, and in 1946 the overall ration had to be cut down to 12 ounces for adults, six ounces for children, and an extra four ounces for heavy manual labourers. But it has not been possible to maintain even this, and in 1947 in many places it has had to be reduced to as low as eight ounces or even less. In Travancore the overall scale was reduced to 9.2 ounces from August 1946; in December 1946 it was increased to 10.6 ounces; in January to 10.7 ounces, in May to 10.9 ounces, and in July last it had to be reduced to 8 ounces and in August to as low as 6 ounces. From October it has again been raised to 8 ounces at which level it remains today. In Cochin the scale of ration never came up to one pound except for a short while in February 1945. Since then it remained at 12 ounces till July 1947, when it had to be reduced to 8 ounces and then to 6 ounces for some time. In August it came to 8 ounces and remained there. In Mysore the overall ration was reduced to 10 ounces in July 1947 and to 8 ounces in October at which level it remains. In Madras the overall size of 12 ounces had to be reduced to 10 ounces in May 1947 and to 8 ounces in July 1947; but it was again raised to 12 ounces from August 1947 except in the case of rice eaters for whom it is 10 ounces now. In other areas also there were reductions in the overall scale from 12 ounces to 10 ounces, as for example in West Bengal, in East Punjab, in Delhi and Ajmer.

We thus see that it has not been possible to maintain rationing even at the low rate of 12 ounces per adult; but there have been other difficulties too which have been experienced. The problem of rationing has created other problems: it has brought in its wake corruption among the staff, unauthorised agents, and prevalence of black marketing and of ghost ration cards. For this purpose a special enforcement staff has been appointed in all areas; instructions have been issued to give exemplary punishments to offenders; in many areas mobile inspection squads have been appointed to make surprise visits; and a drive to unearth ghost cards, particularly in Delhi and in Bombay, has had good results. A system of checking retail shops by surprise visits has been introduced. Apart from this, austerity measures have had to be resorted to. But in spite of all this it has not been possible to maintain rationing at the low figure of even 12 ounces, and difficulties have mounted from day to day. There are only two ways in which Government could secure the supplies that were required for meeting their commitments; Government could get them from internal sources and they could get them from imports. The difficulties in procurement from internal sources have also mounted; it is becoming administratively more and more difficult for the Provinces to enforce procurement. Various systems have been adopted in the different Provinces; some have adopted a system of levy, some have adopted monopoly purchase, while some have adopted a combined system of levy and

monopoly purchase. But the difficulties have not been solved and in one case at least force had to be used even to the extent of shooting to enforce procurement. There has been a general demand from the Provinces that prices of foodgrains for procurement should be raised. In pursuance of the policy which was laid down by the Foodgrains Policy Committee and endorsed by the Famine Inquiry Commission, the Government of India have tried to resist this demand for increasing the prices. It has to a certain extent succeeded but I cannot say that there have not been breaches. We have had to allow bonuses which are only another name for increasing the prices. In one case at least we have had to shut our eyes and allow an increase in price in the name of cartage.

AN HON'BLE MEMBER: Which Province is that?

THE HON'BLE DR. RAJENDRA PRASAD: Bihar.

While difficulties have increased, our procurement has not increased much. The difficulty of import has also not been small. In the first place, there is an overall shortage of food in the world. The food that is placed at the disposal of the International Emergency Food Council is distributed to the needy countries by that international body. We have been making representations and we have been getting allocations from them. But our demand has not been fully met. We have only got something like, say, about 50 per cent of our demands from the international body. But it is not only that we have not got what we wanted, but the prices which we have had to pay have gone on increasing. What we were getting at Rs.10 a maund at the beginning of 1946 from Burma rose to Rs.14 per maund in June of that year, and further to Rs.17 per maund early in 1947. In 1948, the price that we have to pay is £38 per ton f.o.b., which comes to about Rs.21 per maund landed in India. That is with regard to Burma.

The Brazilian and Egyptian rice is still more costly, being at Rs.26 and Rs.24 per maund. Australian wheat has risen by Rs.7 per maund in 1943-44, and if the negotiations that are now going on succeed, we may get it at Rs.15 per maund. The Turkish wheat costs Rs.20 per maund. Argentine maize has risen from Rs.10 per maund last year to Rs.13 per maund this year. Even these supplies at such high costs have been got only because our delegations and deputations have been running from country to country and making representations to them.

In order to meet the difference between the internal prevalent prices and the prices of imported foodgrains, the Government of India has had to pay a subsidy. The subsidy was sanctioned in April 1946 and from April 1946 to March 1947 the amount came to Rs.20.59 crores which the Government of India had to pay; and from April 1947 to December 1947 it is estimated to be something like Rs.17.35 crores, and if it is continued to the end of the current financial year it will come to something like Rs.22½ crores.

The price of the foodgrains that we have been importing is very high and the amount which the Government of India has to pay is tremendously high. Exchange difficulties have been mounting, and it is not known how long it will be possible for the Government of India to purchase this imported grain at such high prices to the tune of something like Rs.100 crores a year.

It was because we felt that all these difficulties were mounting, our own procurement was not making as much progress as we wished, imports from other countries were becoming more and more difficult, felt that something should be done to meet the situation.

I might just point out that with the expansion of rationing, with the resources of the Government to meet the increasing demand for supplies, we did not have a *pari passu* increase in the supplies. As I have said, in 1944 the rationed population was something like 26 million and the resources of supplies at the Government's disposal were 4.93 million tons from procurement, 0.76 million tons imported, total 5.69 million tons. In 1945, when the rationed population was 52 million, procurement was 4.55 million tons, imported 0.91 million tons, total 5.46 million tons. In 1946 when the rationed population had increased to 100 million, procurement was only 5.05 million tons, imported 2.1 million tons, total 7.15 million tons; and in 1947 up to September, procurement has been 4.17 million tons, imported 2.01 million tons, total 6.18 million tons.

This shows that a breakdown of rationing was inevitable because the amount procured and imported remained more or less at a constant figure, while the rationed population increased more than six times. It became inevitable therefore for the Government to take a stock of the situation and in July last we had a conference attended by Provincial Ministers and others and the conference suggested that it was necessary to have some sort of an expert committee to advise the Government on this matter, and so a committee was appointed. The committee was asked to review the whole food policy, to make suggestions about the present programme and also to make recommendations as to how to increase production. It has made its recommendations on the first part: it has not yet made recommendations on the second part relating to increased production. The recommendations of this committee were circulated to the Provinces and conferences have been held with Provincial Ministers and Prime Ministers and, after prolonged discussion, the Government of India has come to certain decisions which I understand have been placed in the hands of Honourable Members, so that they might study the decisions and take part in this debate.

It is not necessary for me to repeat the whole of the recommendations and I will just read different portions from the paper which has been circulated.

The Government of India have decided that the existing policy should be revised and the revised policy should be one of progressive decontrol of foodgrains. Consistently with this basic decision of policy, the Government have advised Governments of Provinces and States that they should progressively reduce their commitments to ration and control distribution in the reverse order to the original process of extension so as to be able to withdraw and end all rationing and control as soon as may be feasible. All the imports of foodgrains in 1948 will continue to be made by the Central Government only, and the present Basic Plan arrangements will continue. Out of the quantities actually imported from abroad not less than 5 lakhs of

tons, and if possible up to 10 lakhs of tons, will be rationed by the Centre as an emergency reserve. Provinces and States have been intimated the basic export quotas for surplus areas, and ceiling import quotas for deficit areas. Governments of surplus units have been asked to accept responsibility for procuring and making available the basic export quotas during 1948 and also to endeavour to make available as much additional grain as possible in the form of supplementary export quotas. Governments of deficit units have been asked to plan on the basis that ceiling import quotas will not be exceeded during 1948, and that they shall have to accept full responsibility for management of their food affairs without making larger demands on the Centre. They should also endeavour to reduce their requirements from the Centre as much as possible.

Decision regarding the prices at which procurement should be effected and foodgrains should be sold within their respective areas have been left to the Provincial Governments concerned.

They may fix the prices in such manner as may be considered by them fair and feasible in prevailing local conditions.

In order to assist movement of decontrolled foodstuffs and for distribution of controlled foodstuffs by the trade within a Province or State, arrangement has already been made that movement of foodstuffs on private account will be classified in class II(b) of the Priority Schedule and against the present classification in class IV. Government-sponsored movements of foodstuffs will continue to receive higher priority as hitherto.

Since existing controls, their nature and their intensity differ widely from area to area, the implementation of this policy will take widely different forms, and so it has of necessity to be left to the Provinces and States. It is fully recognised that the decision taken by the Government entails a certain amount of risk. The present policy is based on the expectation that decontrol would bring out more stocks than at present under control; and that these stocks would be distributed without serious hoarding or profiteering. Only experience will show whether these expectations will be fulfilled or not. If they are, the country would gain immediately: the plan of return to normalcy would be quickened; administrative personnel at present engaged on controls would be released for more urgent and productive tasks and there will be general public satisfaction. On the other hand should there be an outburst of hoarding and profiteering on the part of traders and large producers or panic among consumers, then the consequences would be extremely serious. While the Government of India consider that the risk involved in a policy of progressive decontrol of food should be taken in the larger national interests, they are fully conscious of the need for watching developments carefully and maintaining preparedness against possible emergencies. The Government of India have, therefore, advised the Governments of Provinces and States that the

present food control organisation should be maintained substantially intact until the success of the revised policy has been assured. They have also been advised that existing arrangements of requiring holders of stocks of foodgrains to take out licences and submit returns should be continued. In order to watch the situation closely, the Government of India would obtain weekly information from Provinces and States regarding stocks, procurement, prices and the general food situation. Besides, the progress of the implementation of the revised policy will be reviewed at all-India conferences at Ministers' level to be held at quarterly intervals.

It will thus appear that the main decisions of the Government fall under four categories: (1) gradual curtailment of Government commitments by withdrawing rationing in the reverse order to the original process of extension; (2) to reduce the dependence on imports from abroad and to put greater emphasis on procurement within the country; (3) to give Provinces greater freedom with regard to prices to be paid for procurement consistently with keeping them within reasonable limits for the consumer; and (4) to watch development and keep in readiness a reserve of grains to meet emergencies.

As I have said, and as the statement which has been circulated to Members also states, it is recognised that there are risks. I think we cannot shut our eyes to the fact that there is a great deal of discontent against controls. Producers are dissatisfied because they feel that under control they cannot get the price which they ought to get and Government forces them to accept less than what they would otherwise get. Consumers, on the other hand, feel that they cannot purchase what they want and they have to be content with less than what they would like to buy if there were no controls and they have sometimes to put up with certain kinds of grains to which they are not used and the quality of which is not always of the sort one would like it to be. A vicious circle has been created by these controls ...

SHRI M. ANANTHASAYANAM AYYANGAR: Producers do not want controls, the consumers do not want controls. What about the merchants?

THE HON'BLE DR. RAJENDRA PRASAD: I will come to the merchants also. The merchants feel that they have lost their jobs and naturally they do not like the controls. So a sort of vicious circle has been created on account of these controls. There is a sense of insecurity in the public mind on account of the continuance of the controls. They feel as if there is something very wrong and any day there may be trouble. And so the producer does not feel inclined to market all that he would if he felt secure about the future. The consumer also, if he can manage it, tries to get as much as he can, so that he might be prepared to meet emergencies. And the trader, wherever he can, also tries to hoard. So all these factors combined together lead to shortage and shortage in its turn necessitates control. This vicious circle sometime and somehow has to be broken at some stage. Government therefore had to take a decision. After all war-time emergency measures cannot be continued for ever and especially when we feel that our

difficulties are mounting we had to take some decision and we had to take a decision even though it involved a risk. We had to make a choice. The risk involved in the policy that is now proposed is that there may be a rise in prices. Let us not imagine that this rise in prices will affect all. At present we have a large population which is either under rationing or controlled distribution. But all this population does not purchase its foodgrains. A considerable portion of the population now under rationing comprises producers who produce more than they need. They are the surplus producers. Also there are producers who produce only a part of their own requirements and have therefore to depend upon rationing for the other part of their requirements. And it includes also non-producers who depend entirely upon rationing for their food. Any rise in the prices will not affect the first class which is of producers who are surplus producers. Any rise in the prices will not affect the second class which is of partial producers except to the extent of the deficit which they have in their food supply. It will affect the non-producers undoubtedly. These non-producers are not confined only to cities. They are spread over rural areas also. While in the South rationing affects rural areas too, in the North, say, in the U.P., C.P., Bihar and Bengal, rationing has not spread to rural areas to any appreciable extent. Therefore this element in the population which is of non-producers in the villages where there is no rationing today has to depend for its supplies on black market and it is already paying very high prices in the black market. Any rise in the prices of foodgrains as a result of decontrol, I imagine, will not be more than what is prevalent in black market.

PANDIT LAKSHMI KANTA MAITRA: What about sugar? We are not getting a grain of sugar since yesterday.

THE HON'BLE DR. RAJENDRA PRASAD: I will come to that. As I have said, any rise in prices will affect the non-producer who is now being rationed. It will not affect the non-producer who is not under rationing today. The number of such non-producers who depend for their food on purchases made by them is not inconsiderable. It is difficult for me to give figures, but I can say this that their number is not small. In these circumstances the risk of rise in prices affects only a part of the population; it does not affect the other parts. The risk is there. But if we did not take the decision that we have taken we would have to face the other risk, that is, of a complete breakdown in course of time. I do not say that a breakdown was coming today. But I have no doubt that with the difficulty of procurement, with the rising prices of imported foodgrains, with the difficulty of exchange and generally the administrative difficulties which have arisen on account of control to which I have made reference, a breakdown sooner or later was inevitable. That breakdown would be infinitely more disastrous than anything that may happen on account of rise in prices. The Government had therefore to take the risk and it has decided to take what it considers to be the smaller risk.

I have said that I do not anticipate that the prices will go to the heights of black market prices. In this I am to a certain extent encouraged by what has happened

with regard to prices of oils and oilseeds. In March last oils and oilseeds were decontrolled. This was necessary because in large tracts of the country edible oil was not available at all, and if it was available it was available at very high prices. The Government had in these circumstances to decide to decontrol oil. The result was in a sense very satisfactory. I will give some figures which will show how the decontrol of oil has worked. In Bengal and Assam particularly, where mustard oil is largely used, oil was not available at all in many places, and wherever it was available the prices were very high. The controlled price of mustard oil in Calcutta in March was Rs.57/12/- per maund. But it was selling at Rs.120/- per maund. In many places it was not available. Oil was decontrolled in March and the effect was to bring down the price from Rs.120 to Rs.63 which was only Rs.6 above the control price. Since then the price has fluctuated and as the stock of last season's produce has decreased and is now approaching its end, the price has gone up to Rs.72 or Rs.73. It is even then very much less than the black market price of Rs.120. In the U.P. the control price was Rs.45/8/- per maund. The market price was Rs.55 a maund. It rose in November to Rs.68. Now, it is worth noting what the effect of this decontrol has been. The U.P. is a surplus Province so far as oils and oilseeds are concerned. The effect of decontrol has been to push up the price of oil to some extent in that Province, whereas in the Provinces which are deficit the effect has been to bring down the market prices. The disparity in the price between the producing and the consuming Provinces which subsisted before decontrol has become very much less.

The same thing has happened in the case of groundnut oil. In March the control price in Bombay was Rs.37/8/- per maund and Rs.35/2/- in Madras. Madras is a surplus Province in regard to groundnut oil, while Bombay is a deficit Province. The market price was Rs.75 in Bombay and Rs.39 in Madras at the time when decontrol was introduced. After decontrol, the price in Bombay went down, in June, from Rs.75 to Rs.55, and rose in Madras from Rs.39 to Rs.55. In November it came down to Rs.51 in Bombay and Rs.41 in Madras. So in this case also the result has been a levelling down in the case of deficit areas and a levelling up in the case of surplus areas and diminution in the disparity of prices between the two areas. I expect something similar will happen in the case of foodgrains also.

Now I come to sugar. When a decision was taken to decontrol foodgrains, gradually and in a progressive way, it was felt that there was no justification for maintaining control in the case of sugar which after all is not as essential a foodstuff as cereals. The control of sugar has also created a most curious situation. Under rationing everyone is entitled to a certain quantity of sugar like every other foodgrain. Many people who are not used to taking sugar have under the rationing system to take it. Many others who used to take more sugar formerly have to be content with the quantity that is rationed out to them. So, while on the one hand people who do not need it have to take it, on the other, people who do need it do not get it. Those who do not need it pass on the sugar to the black market, and that is one of the sources from which black markets are fed.

The price of sugar in the black market has been anything between Rs.55 and Rs.65 as against Rs.21/4/3, which was the ex-factory controlled price till yesterday. I am not hoping that as a result of this decontrol the price of sugar will not go beyond Rs.21 where it has been, but I am hoping it will be nothing like Rs.55 or Rs.65, which has been the prevalent black market price today. There has been also another effect of control of sugar. The quantity of sugar produced in the country has gone on decreasing progressively and the season 1946/47 has seen the lowest on record within recent years. We have had only 9,05,000 tons produced in India in 1946/47, or, if you add the production in Pakistan, 9,25,000 tons as against more than 11 lakh tons which it had reached some years previously. The reason for this reduction that is suggested is that the growers have not been paid the price which they ought to get, and they have not been able to produce as much as they used to produce before. The quality of cane also has deteriorated leading to a fall in the recovery of sugar from the sugar-cane from 10.5 to something about 10 or below 10. It is suggested that if the price of sugar-cane is raised, the price of sugar will naturally rise because sugar-cane is the biggest element in the production of sugar. The cost of labour is also going to be raised. It was something like Rs.22/8/- before last year. This year in the United Provinces and Bihar, the minimum is going to be something like Rs.45. The price of sugar-cane was 14 annas before last year. It was raised to Rs.1/4/- during the last season. This season it is going to be nothing less than Rs.2. Now these elements are bound to raise the price of sugar which will be produced in the season which is now commencing, and when we think of increase in the price of sugar, we should not attribute the whole of it to decontrol because the greater part of it will be due to these causes, and I do not know what part of it, but only some part of it may be due to decontrol.

All these considerations have led the Government to come to its decision. Within recent months Hon'ble Members are aware that Mahatma Gandhi has raised his powerful voice against control (hear, hear). That is sure to make the continuance of control even more difficult than it has been in the past (laughter). But I am hoping that the policy which the Government has now decided to adopt will in the same measure be benefited by the same powerful voice, and this policy has a better chance of success now than the policy which we are now giving up gradually. But we are not taking risks without making some arrangement to get out of the difficulty, if a really difficult situation arises.

AN HON'BLE MEMBER: It is bound to arise.

THE HON'BLE DR. RAJENDRA PRASAD: As I have said, we have taken three or four precautions so that if a really serious situation arises, we may be able to avert it or at any rate to mitigate the effects of it. We have decided to continue the organisation which is now in existence so that when we have to revert to control again, we may have the organisation ready at hand. We have decided to build up a stock of grains which will be available in cases of emergency. It has been the recommendation of the Foodgrains Policy Committee, as also of the Famine Enquiry Commission, that this reserve should be built up. It has not been done

up till now, but it has been decided to build it up this year to the extent of 500,000 to 1 million tons if possible. We have also taken the precaution of continuing control on traders by insisting upon their registration and declaration of their stocks from time to time so that, if an emergency arises, the Government may be in possession of information about the stocks and may take necessary action to rush stocks from places where they exist to places where they may be needed. But while we are taking all these precautions, we also contemplate that in course of time it would not be necessary to resort to any retrograde step in the direction of control again. These precautions are taken only to meet emergencies if they arise. This new policy is undoubtedly a break from the policy which has been in force for some years now. A break has to be made at some time or other and it is much better that it is done at a time when we are still in a position to meet an emergency if it arises than when we shall be helpless and forced to abandon this present policy. In the course of these years such success as has attended the policy of control has been achieved by the cooperation of all. Let us not imagine that our policy of control has been a complete failure. Far from it. It has succeeded in a way which has attracted the attention and earned encomium of foreigners. With all its defects, with all the other difficulties which I have mentioned, it cannot be denied that it has helped us in the past in tiding over crises which might well have overwhelmed us (hear, hear).

PANDIT HIRDAY NATH KUNZRU: It can help us in future too.

THE HON'BLE DR. RAJENDRA PRASAD: If necessary we may come back to control in a more rigid form if that is forced upon us, but we must make a beginning to break it and that is what is proposed to be done in the new policy which the Government has adopted. We do not want to rush things. We want things to take their natural course so that ultimately normal conditions may be restored. When I have said that our policy has achieved some success, I must say that that success has been achieved by the cooperation of all concerned -- officials of Government, Ministries in the Provinces, State Governments, the public at large, and last but not least, by the Legislature. We have had cooperation all round so far, and I hope that in the new policy which the Government is inaugurating today it will continue to get the same kind of cooperation and help so that the return to normalcy may be quickened, so that the emergency measures which have been necessitated by exigencies of war may disappear and the people in this country may begin to live once again in normal conditions.

I therefore do not accept this policy in a spirit of defeatism or of despair; I have accepted this policy full of hope, and if I get the cooperation, if the Government gets the cooperation which it has a right to claim and which it has received in the past, in the future also I feel confident that it may succeed. More than that I cannot say; more than that you cannot expect anyone to say.

I am going to give up the Department, with which I have been associated, to take up other duties very shortly. It would have been much better if my successor had had the opportunity of taking part in the decisions which have been arrived at by the Government ..

PANDIT LAKSHMI KANTA MAITRA: Why not see this experiment through?

THE HON'BLE DR. RAJENDRA PRASAD: . . . but unfortunately we could not wait and decisions had to be taken. I have no doubt that the country and this House will realise that after all it is not a decision of an individual, it is the decision of the Government—although I cannot deny my own share in it which has not been small as I have been in charge of the Department.

If the country, if the Members of this House, if all who are interested in this, feel that this has to succeed, this will succeed. I am hoping that the producers will place larger quantities now when they get higher prices, when they feel that they are not compelled but are free to sell as they like. I am hoping that consumers will also put upon themselves some sort of a self-denying ordinance and will not, because of decontrol, make unreasonable and unnecessary demands upon the stocks of food. Let us not forget that every grain that is wasted by a consumer means so much taken away from a hungry mouth.

I have hopes that the trade will also play its part. If nothing else, its self-interest ought to dictate to it that it is not wise to kill the hen that lays the golden eggs. If this experiment fails unfortunately, there can be no alternative but a more rigid control which will eliminate the trade altogether. That will be one of the incentives, if nothing higher counts, which will enable trade to play its part. But I am not counting only upon this, I am hoping and I have reasons to hope that trade will play its part honourably in this.

I am hoping that the Provincial Governments, the State Governments and all others concerned will so manage their affairs that dependence upon foreign imports will grow less and less. We are trying to encourage procurement by giving a bonus of eight annas per maund for every maund procured. We are giving an additional eight annas to every maund that is exported from a surplus area to a deficit area. On the one hand these will encourage procurement; on the other we are throwing a part of the burden, which the Government of India has so far been bearing, of meeting the deficit between the imported price and the internal price on the Provinces so that they may demand less and less of the imported stuff. The policy has been integrated in such a way that dependence on foreign imports may become less, more encouragement to procurement will be given, and in course of time we may come to a stage when normal conditions will prevail. Let me hope that this will succeed; and I hope the House will support this policy with all its strength and that the country will also give its fullest support.

71. *Statement issued by Dr. Rajendra Prasad, the Congress President, on 10 December 1947*

I have read and heard with concern news about demonstrations that have taken place in and around the Assembly Chambers in Calcutta against the Security Bill which is pending there. There has been most regrettable loss of a life

and some persons have been injured in the clash between the demonstrators and the police. Whatever the merits or demerits of the Bill may be, the Assembly should have freedom to deal with it. It is after all a popular assembly and the ministry is a popular ministry. If they go wrong, they can be set right by methods which are open to all and which need not take the form of violence on the one side or the other. I understand further clashes are apprehended. This would be most unfortunate. I would suggest to those opposed to the Bill that they can effectively make their protest heard without having resort to methods which may end in violence and I am sure no popular ministry can stand strong and genuine popular opposition to any of its measures. I would therefore ask all oppositionists to confine their opposition to constitutional methods which cannot fail against a ministry professing to depend upon popular support. Violence will defeat its own purpose and I hope will be avoided.

Rajendra Prasad

10.12.47

72. *English translation of the Convocation Address delivered by Dr. Rajendra Prasad on 12 December 1947 at the Allahabad University**

Mr. Vice-Chancellor, Senators and graduates,

The epoch in which you are stepping forward to bear the burden of your life is a sacred and glorious one. The century-old chains of slavery have been broken. The night of sorrow and suffering has come to an end. The age of frustration and humiliation is ending. The glorious sun of liberty is shining on the horizon giving new life and light to men and women, aged and children, rich and poor, of this ancient land. The spirit of India is rising again from its age-long slumber, and a new life is pulsating in the body of the mother. Once again is beginning the epoch of new hopes and fresh aspirations, and once again joy and exhilaration is in the hearts of the people.

It is in such a dawn of Hope that you are to take charge of your destiny. The burden of your responsibilities is great, and it has been made heavier by the freedom of your country. You have now to justify your capacity to be free in the eyes of the Maker and the world—a world that is neither narrow nor small, but which leaps over the narrow boundaries of your village and town, province and country and is spread over the whole globe.

You need all the wisdom and courage to have a complete understanding of the nature of the modern world—an understanding without which you cannot take a single step towards the goal of self-fulfilment and success.

It is a world of multitudinous colours and shades. But there is neither time nor necessity to study all these facets. It appears to me, however, absolutely necessary to draw your attention on this occasion to certain fundamental aspects of the world you are about to enter.

The chief peculiarity of the modern world, a peculiarity to which none can remain indifferent or blind, is the great mastery over nature which man possesses today. Man was a plaything of nature for ages. His helplessness and indigence in these epochs knew no bounds. Life was a burden for him and the world a prison. It was but natural that the deepest wish of his life was to escape from this prison to a land where there was neither scarcity nor sickness, neither sorrow nor suffering. The ruling passion of his life was the attainment of this heaven. It is no doubt true that even then he knew that he had to suffer the agonies of death before he could enter this land of hopes, but the mere faith of reaching it sustained him in the struggles and sorrows of his life on earth. Today, however, this position exists no more. Now nature is the slave, instead of being the Lord, of man. He is today neither helpless nor feeble nor even without means. Science has given him the master-key that unlocks the doors of the most guarded treasure houses of nature, and the magic secret which secures him the arms and armour of gods.

The economic dreams embodied in the symbols of Kama Dhenu and Kalpa Taru are being made possible realisation in the day-to-day world by the discoveries of modern science. The mastery of the sea which the gods and the Asuras succeeded in achieving only once is now an ordinary fact of human life. The means of production and commerce which man possesses today are so many and so effective that no one in this vast world need remain without food, clothes and shelter. If these means were properly utilised it is certain that poverty would disappear for good from the world. The fact is that the heaven of human dreams has now come very near the frontiers of reality, and it is possible for every man to enjoy the pleasures of paradise on this earth and in his earthly existence.

Another peculiarity of the modern world is the essential unity of all nations of the world. The highest ideal of ancient ages was that the individual must treat himself as a citizen of the world with as great obligations to all men as he had towards the members of his family. But in the modern world the acceptance of this ideal has become the first duty of the civilised man—a duty which he must accept if the modern world is to survive. This has become unavoidable and inevitable on account of the conquest of Distance which science has made possible for man. The Chinese wall of distance which divided man from man, country from country and nation from nation exists no more. The annihilation of distance has been so great that today the different nations constitute but sections of one indivisible humanity, and the different countries but the several wards of the Great City—the one world. The peace and prosperity, the culture and civilisation, the health and the wealth, the happiness and joy of this great city are indivisible and integral. Each part of this great city depends for its life and living on the other parts. In other words the world is one, and its peace and prosperity are one and indivisible.

The third great fact of the modern world is the conquest of Time which man has achieved. One year of his life is equal to ten of his ancestors in point of achievement. He covers distances and completes assignments with a speed

greater than that of the storm itself.

But what a cruel irony of fate it is that man with all this power of gods, has neither serenity of spirit nor security of his life. It appears as if this very power has become his great enemy and destroyer. Today we find all the symptoms of this destruction—the struggle and strife, scarcity and starvation, homelessness and epidemics. Today in Europe and Asia alike there are millions upon millions of men and women who do not get a square meal to satisfy their hunger and not a strip of cloth to cover their nakedness. There are many others who have only the stones for their pillows and the streets for their beds. Alas! such is also the case with many people in our country as well. It is no doubt true that we are free today but we neither have prosperity nor security. It is our great misfortune that our country has been divided, and it has been our sorrow to see the uprooting, with cruel and savage hands, of millions of human beings from the land of their ancestors. Cruelty and barbarism have had an awful dance in one part of the country and in another, the Indian Paradise, even today savage events are taking place.

The query rises in the mind why all this exists. What for people take to loot and exploitation when everyone has plenty and are to live in comfort and luxury? Why is it that there is enmity between individuals, nations and states? Is it because man is mad? Is it because he lacks, like the wild animals of the forest, the sense to distinguish between good and bad? But it cannot be so. Man is neither mad nor senseless. The question remains—why, then, all this meaningless struggle and strife? This is the great question of the modern world—the question which demands a solution from each one of you. I believe that this struggle arises because man has forgotten his soul in the struggle to conquer nature, has thrown morality overboard in the striving to amass wealth, and has banished love and sympathy in the effort to acquire power.

I admit that conquest of nature is not an evil in itself. On the contrary, the truth is that man is unable to respond to the call of the spirit in the absence of mastery over nature. But when the struggle to master nature becomes the sole occupation of man's life it is then that it becomes a limitless evil. Knowledge is for life, not life for knowledge. In other words, knowledge is a mere instrument which is of use to the spirit in the striving for self-realisation. In the language of the mundane world we can say that knowledge is the instrument with which life can be made full of truth, beauty and good. But if knowledge becomes itself the goal, it leads to death and darkness. It was this truth which was proclaimed by the *Ishopanishad* which says that mere ignorance and mere knowledge take man to a land of utter, impenetrable and blinding darkness. It proclaims the great truth that spiritual vision alone can lead to true salvation.

Even a single glance at the condition in which the world finds itself today proves conclusively the truth of this statement. Science has divorced itself today from morality. The sole occupation of the scientist is the study of the underlying relations of the different objects and aspects of nature. The man of science does not concern himself with the question whether his discoveries are being put to a

good or an evil use. The consequence of this view of his mission is that the scientist is ready to sell his talents for a few coins of gold and silver without pausing for a moment to consider the consequences, good or evil, that such a course involves. . . . The results of this amoral attitude of science are staring you in the face. Today the discoveries of science are being utilised by honest people and criminals alike for the promotion of their interests and the attainment of their ends—and what is more reprehensible is that the thugs, the criminals, the unscrupulous are making more gains by the use of science than the others. The greatest triumph of modern science, the atom bomb, will always be associated in the minds of men with the dying wail of the thousands of innocent men and women whose life was suddenly brought to an end by its first effective use in the world. Today there is not a single spot in the world which has not witnessed the cruel destruction of human life and the degradation of the human spirit by the arms and the instruments given to man by modern science. There is no sphere of life in which the spirit of man has not been crucified with the aid of these instruments. Man is exploiting and crucifying man with the machines and arms that science has invented. The truth is that this amoral knowledge has taken man to the land of darkness in which he cannot even see his own stretched hand. Had not the pride of scientific achievements blinded man and nations, could it have been possible that every nation, knowing full well the destructive potentialities of the atom bomb, would still have continued to spend billions on the manufacture of these bombs—and this when millions are facing the slow agony of starvation?

The sages of our land had for this very reason emphatically declared that self-conquest is the supreme triumph of man. More than two thousand years ago it was again in our country that the great Emperor Asoka renounced all conquest except the Dhamma Vijaya. Mahatma Gandhi has been giving again this ancient message to the people of India and the world. It may have been that we whose eyes have been dazzled by the glitter of the modern civilisation may have failed to perceive the glory of Dhamma Vijaya (the triumph of moral law). Again it may well have been that our ears, deafened as they probably are by the maddening noise of the modern machines, may have not responded to the music of moral law. But the truth remains that the peoples of the world, as our own people, have to dedicate themselves to the achievement of the total victory of moral law in human life. Man must do this and that also very soon, for if he does not wake up in time disaster and death will overtake him. But I have faith in the human spirit and I believe that he will yet realise the tragic potentialities of the amoral civilisation of modern time.

The struggle against and triumph over the inanimate and heartless nature makes man also unresponsive to the eternal verities. It is thus but inevitable that in that civilisation there be no place for catholicity and humanity. Man can exist in it only as a cog in a vast machine. Machine, far from being the instrument of man, becomes his sovereign master. You will find this truth by surveying the great nations which are the best representatives of the civilisation. You may search, but you will search in vain, to find a single institution in those countries

which has been created purely out of a spirit of humanity, of abiding love of service. There suspicion reigns—the suspicion of man, the suspicion of nations. Every institution is dominated by either a political or an economic dictatorship.

But such a dominant position was never given to the material world by our civilisation. It recognised the importance of the world, but only as a means for the self-realisation of the human spirit. It never accepted that the spirit of man was an insignificant element of nature or that the spirit was the slave of environment. It was the recognition of the primacy of the human spirit that made the Hindu treat the master of kingdoms as inferior to the conqueror of the self. To the Hindu, the moral law was far above the law of the state.

The world stands in need of the re-adoption of this faith in the supremacy of the moral law above all the rules of commerce and states. It must take to the path of self-conquest.

A glance at the importance of the economic prosperity and organisation in the life of man would also help in the proper appreciation of the significance of this principle of self-conquest. Many people in modern science believe that all human relations are but a reflection of the economic structure and relations of men in any historic epoch. No one can deny the importance of bread and butter, clothing and housing in the life of the individuals and the groups. But it does not appear to be true that economic considerations play the dominant role in determining human relations. It appears to me that this view is based on the negation of human spirit. It may have possessed some truth if man had been, like the beasts of the forest, a mere animal driven by instincts and possessing man-power to choose his course of action. But man is not a beast. He differs from it in possessing two qualities—one, the creative impulse, and the other, the notion of morality. It is evident from human activities that man is not satisfied by what is given to him by nature. He seeks to reshape and recreate nature in order to make a world which satisfies his spiritual craving. In other words he seeks to remodel the world so as to make it true, beautiful, and good. It is this creative urge that takes him out of himself to weave his life and mind with those of the others. The great secret is rooted in the creative impulse and moral law, which rule the life of the individual. He would have had no urge to weave himself with others in the absence of the former, and his social bond would but prove chains of sand in the absence of the latter. It is, therefore, clear that the foundations of human societies are moral and aesthetic rather than economic in character. Economic efforts and acquisition are but the means through which the basic impulses of the human spirit find realisation, but they do not constitute the end of life itself. The world is facing a great disaster because it has forgotten this great truth. It is a tragedy that man worships mammon today as the presiding deity of his life. The consequence of this mammon worship is that man has been degraded into a commodity capable of sale and purchase. Such has been the degradation of the human spirit that while one class of men seeks to purchase others to labour for itself, another class of men seeks violently to expropriate the former and establish its dictatorship.

The same mad lust for power is to be found in the political sphere. People seek

power for its own sake and not for the realisation of their Atman. Power is a means of life, not its end. But when it is accepted as an end in itself then man may become a successful tiger but he can never attain the status of a true man. We are witnessing in our unhappy country the disastrous consequences of this lust for power. Hundreds of thousands of men and women have been uprooted from their ancestral homes. Men have reached the lowest depths of animality. It is this lust for power that keeps the nations enemies of one another. No state can tolerate being less powerful than any other and race for power, therefore, goes on. But this involves the degradation of the human spirit and the destruction of human values. If you turn the pages of recent history you will find written on each page the worship of power and the faith in the atom bomb and the big navy.

This is the picture of the world you are about to enter. You are educated and full of youth and enthusiasm. It is your paramount duty to bring back man from this path of destruction and to make him tread the path of fulfilment. This path lies in the revival of the ancient culture of India. It is a path of self-conquest, of service, and of renunciation. What is this conquest of self that I am asking you to undertake? I am not going to propound to you any abstruse philosophical proposition. I shall consider briefly the social aspects of this problem. I have already stated that two special attributes distinguish man from the rest of the animals. These are, one, the creative urge and second, the moral will. Man has become the crown of creation on account of these attributes. It is in the complete fulfilment of these attributes that I consider the victory of the human spirit lies. If the nature of the creative urge is analysed it would be found that it takes man away from ugliness, disharmony, cruelty and hardness of heart. The tenderness and the sympathy of the artist vibrate in its bosom. It is, thus, rooted in the great principle of Ahimsa, the principle which unites all beings into a cosmic whole. The moral will again is an aspect of Ahimsa. Ahimsa does not mean merely non-destruction or non-killing of life. Ahimsa signifies the ideal of accepting or doing nothing but what promotes the realisation of the good, the beautiful, and the truth. The Ishopanishad describes this truth by saying that all that is in the universe is of God and one must enjoy only what one is given (for the realisation of the self) without casting envious eyes on what others have. This, in my opinion, gives a good idea of what Ahimsa is. Man has to accept what the Lord offers him not as a means for gratification but for self-realisation. He must not look beyond the performance of his duty nor must he desire anything more than what is absolutely necessary for his performance. He must not grumble about the superior means, if any, which others may be enjoying. Each one must dedicate himself to the duty of making the life of every individual human being true, good and beautiful. The path of self-conquest (Atma Vijaya) is thus one of service and sacrifice, of cooperation and creation. There is not the least place in it for national, racial, and individual jealousies and bitternesses. Gandhiji has adopted this path of moral conquest in the political sphere; and he has extended a free and open invitation to every individual and nation to adopt this path.

Often people think that it is only the Mahatmas who can dare to tread this

path. But this belief is based on the erroneous idea that one requires superhuman power and divine qualities to tread on it. The fact, however, is that everyone can tread this path. The learned and the rustic, the high and the low, the rich and the poor, the aged and the young, men and women—anyone of them with the heart of man can travel on it. What is required is only faith.

When man forgets his true self, when he begins to attach greater importance to external trappings than to his inner self, when he forgets the difference between himself and the beast, it is then that this path appears to him to be leading to wilderness. Such an opinion about the futility of this path is now being expressed in the India of today. It is now said that the path suggested by Gandhiji has no use under the present conditions. It is asserted that the sword alone can solve the problems of present-day India. But I submit that this is a profound error—an error which shall lead us to the land which the Upanishad says is covered with blinding darkness. This is not a mere flight of imagination but the truth and nothing but the truth.

Do not forget that the roots of whatever power and beauty there is in human life consist of the creative urge and the moral will, that is, of Ahimsa. Remember that the tiger has remained behind man in the evolution of life, notwithstanding its sharper claws and greater physical strength than those of man, simply because it lacked the moral and creative activities of man. It, no doubt, does happen sometimes that the tiger triumphs over man, but in the history of life tiger is an insignificant creature in comparison to man.

Similarly it is possible that the tyrant who puts his faith in the sword may sometimes succeed in massacring those who believe in Ahimsa; but in the end the victory shall be of non-violence for it is but another name of humanity. Remember also that even the sword gains its effectiveness from the cooperation of man, and this, in its turn, is rooted in the great urge and the moral will of man. The foundation of society and of state is, thus, Ahimsa and only Ahimsa—and not the sword and the gun. If, therefore, the state and the society are to be kept in existence it is essential to embrace and follow the principle of Ahimsa. It was the realisation of this truth that led Asoka to engrave on rocks that moral conquest was the only lasting and true conquest.

The modern notion of citizenship also points towards the same truth. It is said today that the world is in turmoil because the people are not living up to the principles of citizenship. The principle of citizenship demands that every citizen must fulfil his duties without worry about his rights as these will automatically flow from the performance of duties. It is the primary duty of the citizen to serve and support the state by every possible means. He must obey the laws, honestly pay the taxes, take part in essential services, scrupulously use the powers of his office within their due limits, and be ready to contribute his life, money, and judgement to the service of the nation at times of emergency. These duties of citizenship flow from the faith that each individual has the moral claim to his fulfilment with the help of the state. In other words, the principle of citizenship is rooted in the moral will of man. But this principle of citizenship is much narrower

in its application than that of Ahimsa. It seeks to confine the moral will within the narrow limits of the territorial state. It seeks to create the feeling of brotherhood among the nationals of a state but keeps wide the psychological gulf between the nationals of one state and those of the others. This psychological gulf proves a barrier in the world of today, as it always did in the world of bygone days, to the ascent of man to his rightful moral throne. It makes man half-man and half-tiger. This man-tiger often reveals that the tiger in it is more powerful than the man. Man will be truly human, the truth shall triumph in the world, and peace and prosperity shall reign there only when man puts faith in himself and fulfils his mission of creation.

The battle-scarred world calls you—you, who have been given the vision of truth and humility by this great university to enter the moral struggle for bringing man to the path of immortality. Your youth, your education, your ideals shall have fulfilment only when you respond to this call. Your country calls you to revive the ancient culture—the culture which accepted as its heroes Dadhichi, Harishchandra, Ram and Bharat. Your countrymen expect you to crown your toils by taking the life-giving Ganges of Ahimsa to the thirsty soil of their hearts. Your past, your present, your future, all challenge you to go forward on the straight and wide highway of Dharma. Step forward, for in this journey lies the fulfilment of your life and the glory of your spirit.

*For the second time in the annals of the Allahabad University the Convocation Address was delivered in Hindi by Dr. Rajendra Prasad. Ten years ago in 1937 on the occasion of the Golden Jubilee of the University the Convocation Address was delivered in Hindi for the first time by the late Pandit Madan Mohan Malaviya

The convocation of the University in 1947 was the first to be held after the attainment of independence and was attended by several thousands including Govind Ballabh Pant, the Premier of U.P.

73. *Monthly Closing Balance in India of the Central Government*

(In lakhs of Rupees)

	1937-38	1938-39	1939-40	1944-45	1945-46	1946-47
April	3,90	10,84	8,19	66,91	2,77,73	5,38,22
May	4,34	13,94	5,54	53,39	2,67,64	5,17,18
June	4,26	12,84	9,54	69,47	2,83,89	4,62,37
July	1,73	8,67	5,19	1,04,65	3,50,60	4,83,30
August	2,10	10,83	8,81	1,30,50	3,52,70	5,00,17

(Contd.)

	1937-38	1938-39	1939-40	1944-45	1945-46	1946-47
September	8,41	12,07	5,67	1,79,87	3,88,11	4,74,58
October	5,31	6,49	7,15	1,86,90	4,15,54	4,41,97
November	5,06	7,55	7,05	2,21,63	4,69,31	4,51,24
December	6,94	6,37	8,17	2,54,53	4,88,53	4,54,68
January	6,80	6,41	7,94	2,70,93	4,88,90	4,35,56
February	7,76	6,93	12,97	2,50,20	5,22,28	4,24,97
March	10,35	12,37	15,87	2,68,52	5,27,83	4,22,77
Net Revenue (correspond- ing to the first statement in the Expla- natory Memo- randum)	86,61	84,52	94,57	3,35,72	3,60,54	3,36,19

74. *An article on the National Flag for India by Satish D. Kalelkar, Principal, G.S. College of Economics and Commerce, Nagpur*

Pandit Jawaharlal Nehru's far-sighted decision to stick to the original nomenclature of "Union of Indian Republic" with a view to emphasising the Congress stand that there has been no change of outlook as far as they are concerned, may serve as a useful pointer to the Ad-hoc Committee for National Flag, recently appointed by Dr. Rajendra Prasad, the President of the Constituent Assembly. If the Congress ideology has remained unchanged, a flag which has represented that ideology and for which millions shed their blood so that the honour of the national flag may be maintained, need not undergo any radical change except on grounds of technical details of flag-making.

Originally, the flag had three horizontal stripes of white, green and red in that order, starting from the top, with the figure of 'charkha' superimposed. At later stages, the red stripe was replaced by the orange (to recognise the sacrifices of the saffron-clad 'Desh-sevikas', as some thought) and the other was changed to orange, white and green, with the 'charkha' in the centre.

One of the basic principles of flag-making is that it must be distinct against the background of the sky, and for this reason, a white stripe at any extremity has to be ruled out of the question. The original flag with a white stripe at the top and flying on the mast of, say, a battleship, would appear against the background of the sky as a flag with only two stripes of green and red, the white stripe being swallowed up by the sky. The white stripe, if it is to remain, and I shall show



The National Flag of India, after it was adopted, being shown to the members of the Constituent Assembly

presently why it should remain, must necessarily be in the centre with two distinct colours coming above and below it.

The second principle is that the colours must be as distinct as possible and must not be capable of running into too many shades. The present orange colour, from this point of view, is not an improvement on the old red. Not infrequently we come across flags with orange colours which may be anything from yellow, saffron, and pink to *bhagwa* of the Sadhu's *kafni*. The red stripe of the original flag was definitely better from this point of view.

Adoption of the original red might also effect a compromise with workers who have a partiality for that colour. A symbol of revolution, the red need not necessarily indicate a bloody revolution; it may very well stand for the non-violent revolution that we have witnessed in India.

If the saffron was introduced to recognise the sacrifices of the 'Desh-sevikas' (and I am told, this was not the case), would not 'white', the symbol of purity, better suit Indian womanhood? Would it not also depict them as 'Sisters of Mercy' which in reality they are? Replacement of the orange need not therefore worry the 'Desh-sevikas'.

A third principle which is equally important if the flag is to have a wide popular appeal is that the details of design must not be too complicated and over-decorative to make it almost impossible for a man in the street to design a national flag of his own; 'Tiger's head' for example, would not do.

From this point of view, we should try and see if the present 'charkha' cannot be replaced by something that symbolises 'charkha'. The 'charkha' must of course be maintained, but only in a symbolic form. The present figure of 'charkha' creates the following difficulties of flag-making:

- (i) The design is not very easy to draw;
- (ii) It is not symmetrical; and
- (iii) If the obverse of the flag shows 'charkha' with the wheel towards the mast and the spindle towards the end with its point facing towards one (I am thinking of the position when the flag is flying to the left of the mast), then the reverse must show the same 'charkha' but the point of the spindle facing away from one. Few understand this important point and we come across ridiculous figures of 'charkha' with the wheel towards the left and the spindle pointing towards one on the right!

The simple wheel, I submit, could still symbolise the 'charkha' making it easier to draw, symmetrical in design, and without creating confusion with the obverse and the reverse sides of the flag.

The wheel which was the earliest and most vital discovery of human beings has been the substratum of all civilisations, and it would particularly symbolise an agricultural community such as Indian; it would therefore represent the Kisan and the Kisan movement too.

At the same time, the wheel may indicate industry and commerce without

necessarily implying mechanisation or the capitalist system.

The wheel may further symbolise 'kranti' by being the wheel of revolution and may be acceptable to parties which prefer to call themselves 'revolutionary'.

And, finally, the wheel might also include the Buddhist concept of 'Dharma-Chakra' (adopted by Emperor Asoka) or the balance-wheel of religion that sustains society. The spiritual basis of Indian civilisation might thus be made pronounced in our national symbol which will convey the message of peace and non-violence to the whole world.

To conclude, our flag may have three stripes of red, white and green (of the mother earth and her children the tillers) with a wheel with eight spokes superimposed in any suitable colour.

75. *A note from Partition Council on cash balances*

The cash balance of the Central Government is of the order of Rs.400 crores. The Muslim members are of the view that this balance should be suitably divided and that the amount of cash to be placed at the disposal of the Pakistan Dominion (for which it will bear a corresponding liability for public debt) should be adequate for meeting its short-term requirements up to the end of the current financial year. Pakistan's requirements of cash have been estimated to be of the order of Rs.100 crores, the details of which are given below:

	(In crores of Rs.)
Defence expenditure during the rest of the year	60
Pakistan's share of the 3½% loan 1947-50 falling due for repayment in November 1947	9
Development grants and loans to Provinces	10
Other transactions (including capital expenditure on Railways, P. & T., Civil Works, etc., and additional expenditure necessitated by the recommendations of the Pay Commission	21
	100

The non-Muslim members hold that most of the cash balance is kept immobilised, and only a small portion of it represents the real cash needs of the Government. The accumulation of this otherwise unwanted cash balance was one of the anti-inflationary measures of the Government, which is now paying interest on the corresponding part of its public debt as part of the price for keeping inflation in check; and the only reason which prevents the Government

from paying off a part of its debt out of this excessive cash balance is the danger of intensifying inflationary forces. In other words, by seeking to cover the greater part of its budgetary deficit by its cash balance instead of raising revenues or loans for the purpose, Pakistan wants to put a substantial part of the excess cash balance to use in a manner directly contrary to the considered anti-inflationary policy of the Indian Government.

They have attached a statement showing the cash balances of the Government of India for the last three years and the last three pre-war years. After making allowance for the factors of inflation and of administrative expansion which are automatically reflected in the revenue budgets of the Centre for these years they consider that Rs.50 crores would be a sufficient cash balance for India as a whole. Of this amount, Pakistan would require roughly the same proportion as her present contribution to Central Revenues bears to the total contributions thereto to united India. This proportion is of the order of 15% and a cash balance of 9 crores or so should be sufficient for Pakistan's needs of cash. They recognise, however, that in its early stages before it has established its Treasury Bills Market, it will need a larger cash balance than otherwise, but in any case a cash balance of Rs.20 crores must be well in excess of their reasonable needs.

The Muslim members, on the other hand, hold that the amount of Rs.100 crores asked for is fully justified. They affirm that in putting forward the figure of 100 crores they have duly taken into account the revenue receipts likely to accrue to Pakistan during the remaining part of the current year. It has been separately estimated by them that Pakistan's contribution to the total revenues of the present Government of India is only about 7%. On the other hand, Pakistan has taken over 30% of the Defence Forces and her expenditure on Defence will in all likelihood be more than 30% of the total Defence expenditure of the present Central Government. Again, Pakistan, like every new state, will have to incur a comparatively large amount of expenditure in the initial stages of its career. It will naturally take some time before the taxation structure of the new state can be adjusted to its expenditure requirements or its borrowing policy settled.

As regards the question of inflation, the Muslim members consider that as the expenditure of Pakistan will be incurred within its own territory, the Indian Dominion need have no apprehensions on this score. They regard the fear of inflation entertained by their colleagues as being unjustified and unnecessary and consider that the Pakistan Government will be in the best position to assess the situation from this aspect and to deal with it.

The Muslim members would also invite a reference to the recommendation made by the Reserve Bank to Expert Committee No. V(i) that the proportion of Government cash balance transferred to Pakistan should be sufficient to enable it to meet its reasonable requirements of cash during the period of common currency, viz., up to 30th September 1948. It may be mentioned that the estimate given by Pakistan members relates only to the period up to 31st March 1948 and an increase in this figure would be justified in view of the Reserve Bank's recommendation, if Pakistan's cash requirements are to be met up to 30th

September 1948.

In any case as Pakistan will assume a liability corresponding to the cash balance allotted to it, most of the objections raised by the non-Muslim members of the Committee would seem to lose much of their force.

In view of the difference of opinion and as it is of the utmost importance for Pakistan to be in possession of sufficient cash on the 15th of August for its short-term requirements after partition, the matter is referred to the Steering Committee.

76. Miscellaneous points raised by the Pakistan members of the Partition Committee

LEAVE CONCESSION PASSAGES AND OTHER FREE PASSAGES

In accordance with existing regulations, individuals of non-Asiatic domicile are entitled to certain free passages at Government expense. A passage account is maintained for each such individual. These accounts show credits at pre-war rates. It is considered that while the Government under whom the employee elects to serve should take over the responsibility for making payment of the cost of passages in such cases, the value of the liability so taken over by each Dominion should be calculated on the basis of the passage rates now in force and an adjustment made in the financial settlement to the extent of the difference between the liability so taken over and the Dominion's liability in the 'ratio' of uncovered debt.

Similarly certain individuals have a claim to passages to U.K. etc. on termination of service. The liability of Government in this respect should also be similarly calculated and adjusted.

LEAVE AND COMPENSATION

Two classes of employees are involved:

- (a) Those on leave pending retirement on 15.8.47. --
- (b) Those in active service on 15.8.47.

In regard to the former, the simplest course would be to discharge liability (a) for leave salary payments in sterling through H.M.G. out of the sterling balances, each Dominion paying its share in accordance with the ratio for the uncovered debt, and (b) for leave salary payments in rupee inviting the individual concerned to exercise an option between the two successor Governments. The Government concerned would then make payments and debit to the 'Central Government Suspense'.

In regard to those in active service on 15.8.57, the Government under whom the employee elects to serve should take over all future liability for leave after 14.8.47 as it would be difficult to set up machinery for a long period for allocating leave liability between the present joint Government and the individual Dominion Government concerned. Where the employee of a Provincial or other Government is working under the Central Government and is taken over by one of the successor Governments for further service during the period of his deputation, liability of the borrowing Government for leave should be discharged by payment of leave contribution at the normal rates. The liability of the present Central Government in such cases may conveniently be taken over by the Dominion in whose territories the Provincial or other Government concerned lies.

The only exception to the above proposals would be the case of officers of the Secretary of State's Services whose leave salary pending termination of service in accordance with the terms offered to them by the Secretary of State must be debited to a separate account and shared between the two Governments after 1.4.48 on the ratio of the uncovered debt. Compensation payable to such officers will also be similarly debitable. The Indian section would suggest a further exception in respect of accrued leave of Railway staff in view of the largeness of the amount involved and the disproportionate fraction of the staff who have opted for India. The Pakistan members do not consider an exception justifiable in regard to Railways and would also urge that assessment of loan liability on a monetary basis is not a practical proposition even on an actuarial basis. They suggest that the proposal regarding leave liability should apply uniformly to all departments without exception.

MEMBERSHIP OF INTERNATIONAL BODIES

The membership of international bodies at present enjoyed by the Government of India is for the subcontinent as a whole. It is not yet clear as to which of the successor Governments inherits such membership. If both Governments are admitted as members, the assets and liabilities of the present Government in such bodies should be divided in the 'ratio' applied to the uncovered debt. If, however, only the Indian Union succeeds to such bodies, it will be necessary not only to debit the Indian Dominion with the payments made to such bodies by the Central Government up to the 14th August 1947 but also to provide Pakistan compensation for loss of membership. The right to these memberships has been earned by the toils of human life and suffering much in excess of their share. It is the blood of the soldier that has paid the price for the present Government's honourable position in international affairs and if that position is denied to the party that has subscribed the most towards the price, it would be only fair and equitable to compensate it suitably. Many of these memberships are almost invaluable and even a conservative estimate would assess the compensation at hundreds of millions.

The Indian section consider that this is a question outside the province of this Committee and are in any case unable to appreciate the monetary estimate of something which in their opinion is not commensurable with money.

'CENTRAL GOVERNMENT SUSPENSE'

This head of account is being opened to accommodate cash receipts and expenditure, pertaining to the period up to 14.8.47, taking place after 14.8.47. We suggest that this head should also be used for receipts and expenditure of a joint character arising after 15.8.47 and the joint expenditure or receipts allocated in the ratio prescribed for the uncovered debt or any other ratio that may be agreed to between the two Governments.

As regards the period for which this head of account should remain open and the monetary limits up to which expenditure should be debited to it, Committee No. V(ii) have already made recommendations in consultation with us.

RECEIPTS AND EXPENDITURE PERTAINING TO THE PERIOD UP TO 14.8.47

It is clear that receipts and expenditure pertaining to the period up to 14.8.47 may take place after 14.8.47. The Budget and Accounts Committee have recommended the opening of a head 'Central Government Suspense' in the accounts of the two Dominions for recording such transactions. It is essential, however, that clear instructions be issued so that omissions may not occur. Expenditure is, generally speaking, easy to identify but revenue receipts are not so easily identified. The appropriate Departments of the two Governments must, therefore, issue orders in collaboration with each other listing the main types of receipts involved and laying down the procedure to be adopted and the means to be employed for determining the share of receipts pertaining to the period up to 14.8.47.

The Indian section consider that this is a matter entirely for Committee No. V(ii) dealing with Budget and Accounts.

JOINT ORGANISATIONS

The creation of the Joint Defence Council has already been decided upon. It will function for some months from 15.8.47. If other joint organisations are created as a result of the recommendations of this or any other Expert Committee it will be necessary that the arrangements for accounting for the receipts and expenditure of such joint organisations and their allocation between the two successor Governments should be clearly laid down. It is understood that a 'Central Government Suspense Account' is being opened from 15.8.47 in the accounts of both successor Governments. If so, we suggest that all expenses in connection with joint organisations should be debited to the 'Central Government Suspense'.

FOREIGN EXCHANGE FOR PURCHASE OF ASSETS

In several cases, due to the geographical location of assets, it has happened that an asset has physically fallen to the share of one Dominion although the other Dominion has an equal need for it. In regard to the essential requirements for running the machinery of Government it is necessary that both Governments should be placed in an equally advantageous position and that one Government should not be entirely deprived of the essential facility concerned. Where a physical division is impracticable, the only fair course is to provide the Government not in possession of the asset with the necessary resources to build up or acquire it. For this purpose, it is therefore necessary for the other Government to agree that it will provide the necessary building and other materials available in its territories at appropriate control prices and that the necessary foreign exchange should be made available out of joint resources, before the foreign exchange is divided between the two Dominions. The equivalent in rupee will naturally be debited to the Dominion receiving the extra foreign exchange.

The Indian section of the Committee do not see how the question can possibly fall under their terms of reference. In any case it is for the two Dominion Governments to decide how to share the available foreign exchange so long as the foreign exchange arrangements are common.

77. *A note on Investments*

The present Central Government has various investments like the Silver Redemption Reserve Fund, the Cash Balance Investment Account, etc. The India Members are of the view that there is no need at all for Pakistan to take over any share of these investments made by united India out of its large cash balances, and for the following reasons, namely: (a) If Pakistan converts these investments into cash, the result will be to counteract the anti-inflationary measures of the Indian Government, and (b) the principle of 'the greatest good' would indicate allocation of movable assets in accordance with needs, and not with reference to any *a priori* share of each state in all liabilities and assets (in fact there can be no such *a priori* share) and if there was one it could apply only to the *aggregate* of all assets and not to each item individually; (and Pakistan, having taken more than its share of some assets, e.g., Defence and Railways, it must perforce take less of others of which this is one), they are not in favour of Pakistan's taking over any part of these investments. The Pakistan members do not subscribe to this view as, in their opinion, Pakistan is fully entitled to share in these investments and there is no reason whatsoever why they should not be divided in the ratio of the uncovered debt, particularly as sterling investments, which affect foreign exchange, are also involved. The Pakistan members consider the remarks

contained in (a) above to be unwarranted and urge that they are not pressing for any extraordinary share nor can they see why India's needs, on 'greatest good' basis, are greater than Pakistan's.

The India members, however, concede that the investments of united India in the International Monetary Fund and the International Bank stand on a different footing. The Committee understands that the question of Pakistan's membership of these institutions and the sharing of the investments therein has been dealt with by Expert Committee No. V(i). The question of allocating these investments between the two Governments must therefore await a final decision on the recommendations of that Committee.

78. A note on institutions and bodies subsidised by Government

The India members have expressed the following views:

"A special class of cases covers institutions and bodies many of whom are separate legal entities and some of whom receive regular substantial assistance from Government while others raise revenues of their own under statutory powers. Some of these institutions and bodies possess substantial buildings and equipment while others have accumulated fairly large funds and a claim has been put forward that Pakistan should get a share of the assets of these bodies or receive monetary compensation in lieu thereof. While we have no doubt that these institutions and bodies will place their services and knowledge at the disposal of both the states in the future as they have done at the disposal of united India in the past, we recommend the disposal of Pakistan's claim on the following lines as the most equitable and practicable in the actual circumstances:

- (i) Where a fund represents merely the balance of what Government promised to place at the disposal of a particular body in the past and does not represent a true liability to an outside body, such fund shall not be divided at all and neither shall take over either a share of the so-called liability nor be given any corresponding asset.
- (ii) Where Pakistan receives at present a specific or reasonably measurable benefit from a body or an institution or has made a contribution to it, Pakistan shall be given a pro rata share (on the basis of benefit or contribution) in the capital fund and the value of buildings and equipment.
- (iii) Such share shall be confined to the proportion contributed by Government and shall exclude gifts to such institutions and bodies by Indian States and others.
- (iv) Where Pakistan derives no such benefit or had made no contribution it will not get any share.
- (v) Patents belonging to such institutions and bodies may be used by the Pakistan Government to the same extent and on the same conditions as are

applicable to use by the India Government.

- (vi) The India Government will use its good offices to recommend the above arrangements to the institutions concerned and agree to amend the relative statutes if necessary.

"The case of each institution and body should be examined on the above lines and the necessary action taken by the Application Committee the setting up of which we recommend elsewhere."

The Pakistan members agree with the above views subject to the following reservations:

(i) They accept sub-para (i) of the India members' note on the understanding that such funds would then be treated as non-existent and the authorities of the fund would have no claim against the joint cash balances.

(ii) They consider that determination of 'benefits received' or 'contributions made' as proposed in (ii) of their colleagues' note would present serious difficulties and may be impossible in some cases. Further, these two criteria may lead to widely divergent results even where their application is practicable. In their view, the simplest and the most equitable course would be to divide the assets in all such cases in the 'ratio' of the uncovered debt since that ratio would directly be related to the contributions made by the respective territories to the joint revenues from which these activities were financed. This 'ratio' should be applied to the total assets of the institution without distinction as to capital or revenue. No actual physical division of the assets would be necessary, only a financial adjustment being made.

(iii) They do not subscribe to the view that gifts should be excluded. In the first place, gifts were given to the institutions as serving the entire subcontinent and must not be appropriated by an institution for use in one Dominion only. Secondly, it is not practicable in most cases to determine separately assets acquired from one type of receipt and another.

(iv) In their opinion, Pakistan should also be given the following privileges until such time as similar institutions are established in Pakistan:

- (a) When the results of the research or other activities are published, Pakistan should be supplied with copies.
- (b) Similarly when such results are not published but submitted to the Indian Dominion, they should also be submitted to Pakistan.
- (c) The Pakistan Dominion should have the option of consulting these institutions as and when necessary regarding problems with which these institutions deal.
- (d) Facilities for training on payment should be given to Pakistan nominees on a population basis wherever training is imparted.

The India members sympathise with the viewpoint in the sub-para (iv) but are only prepared to recommend to the institutions that (a) above be complied with

and that (c) and (d) above be given effect to as far as possible. As regards (b) above, they would recommend compliance to the extent compatible with security and other considerations.

79. Steps to be taken for the transfer of offices and personnel from Delhi to Karachi in order to set up the Pakistan Government

It is urgently necessary to initiate action preliminary to the forthcoming transfer of offices and personnel to Karachi for setting up the headquarters of the new Central Government there. Inter alia, immediate action is necessary in regard to the following:

- (1) Construction of hutments and other temporary accommodation for certain offices,
- (2) Provision of necessary building material such as, cement, coal, sanitary and other fittings for the above,
- (3) Repairs to existing buildings that will be requisitioned from private parties in Karachi,
- (4) Steps to be taken to secure from the Armed Forces any accommodation that may be available with them at or near Karachi at present,
- (5) Installation of telephones,
- (6) Purchase of furniture for offices and some residences,
- (7) Provision of stationery etc.,
- (8) Printing of forms,
- (9) Provision of transport for the personnel and baggage and Government records going to Karachi,
- (10) Provision of transport for the reception of the above at the Karachi end,
- (11) Establishment of an Estate Office at Karachi to take charge of (a) temporary accommodation to built and (b) requisitioned buildings,
- (12) Opening of Reception Offices at Karachi to receive and give guidance to incoming offices and personnel,
- (13) Opening of Accounts Office in Karachi to deal with disbursement of pay and allowances of the staff arriving there,
- (14) Provision of accommodation, recruitment of staff, supply of stationery, etc., for the new Constituent Assembly.

2. The above list is not exhaustive as a number of other essential requirements will have to be attended to as they come up. Obviously, as the new Government will not come into being until the date of transfer of power, all this preliminary work can only be undertaken by the various Departments of the Government of India concerned. Requests based on such requirements will be presented by

Mr. Mohd. Ali to the Steering Committee which in consultation with the Departments concerned (and after submission to the Partition Committee where necessary) will request Departments concerned to undertake the work and to authorise the expenditure involved.

3. Such expenditure will be booked separately and taken into account in the financial adjustment between the two Governments.

4. The Partition Committee of Cabinet is requested to approve the procedure outlined above.

80. *A note on the facilities to be provided to the Muslim League for setting up a separate Government*

This note raises a fundamental issue of considerable importance and it is important to enunciate in the form of a series of statements what exactly is understood by us to be the basis and implications of the partition.

(1) It is the Muslim League which wanted partition.

(2) The responsibility for setting up the separate Government is therefore primarily that of the League and not of the Government of India.

(3) At the same time it should be agreed readily that every reasonable facility should be provided to the League for this purpose.

(4) That however should not be at the expense of the rest of India. Thus if for the purpose of putting up new buildings extra allotments of steel and cement are required it is obvious that they can only be made at the expense of the Provincial quotas. In such a case it would scarcely be unreasonable to suggest that the League should draw to the maximum extent on the quotas due to the Pakistan area in the first instance and if more is still required it can be considered whether that quantity can be spared without undue hardship to the Provinces in the rest of India.

(5) In regard to an item such as the removal of a press, clearly we could only agree to it if we had a surplus capacity. Actually we ourselves are having quite fifty per cent of our printing work done through private presses. Surely the Sind Government could arrange to requisition, if necessary, the printing press capacity for the use of the Pakistan Government.

Similarly, in regard to telephones the position is well-known to be one of acute shortage, and waiting lists running into hundreds exist in all the principal cities.

If it were merely a case of making available services of officers and staff which can be spared temporarily, this could perhaps be done. But we are asked for something more—wholesale diversion of physical resources, transplantation of fixed assets, etc.

81. *A note on the payment of public debt by India and Pakistan*

TOP SECRET

The attached note was discussed by us today orally with our Pakistan colleagues and we have obtained the following further information from them:

(1) While both the states would jointly and severally undertake to pay existing obligations in full Pakistan considers that no provision is necessary to regulate between the states inter se how in the event of default by either state in meeting the demands of the Commission the other state is to recover the amount from the defaulting state.

(2) The actual date of redemption of an issue where there is an option to the Government should be settled by the two states in consultation.

(3) While the debt would continue to be a rupee debt Pakistan would pay its share from time to time in its own currency so calculated as to provide the required rupees but will not undertake to provide rupees itself; in effect, the Commission would pay partly in Pakistan currency. Further, the entire payment to Pakistanis would be in Pakistan currency. It is obvious that the scheme will not add to India's credit but would entangle it in heavy liabilities without any quid pro quo.

We, therefore, unhesitatingly recommend rejection of the scheme.

There is no other practicable course in the circumstances than to have an inter-Governmental debt.

Enclosure:

NOTE BY PAKISTAN SIDE

The public debt of India as on the 15th August 1947 will consist of a number of rupee and sterling loans with varying rates of interest and maturities. Sterling loans will be liquidated as part of the sterling balances settlement with H.M.G. The question for consideration is the manner in which the liability of the present Government to the bond-holders should be discharged by the two successor Governments. The following alternatives suggest themselves:

- (i) Each bond should be replaced by two bonds to be issued by Pakistan and the Indian Dominion respectively, the amount of each bond representing the proportion in which the two Governments share the public debt.
- (ii) The responsibility for the whole of the debt may be assumed by one Government, the other Government becoming its debtor to the extent of its share of the debt. In such a case the liability of the debtor Government to the creditor Government will be discharged on a mutually agreed basis such as by payment of annuities.
- (iii) Earmarking of certain specified loans to the two Governments respectively, to the extent of the total liability of each Government, minor adjustments on a cash basis being made between the two Governments, if necessary.

- (iv) The debt should remain the joint concern and liability of the two successor Governments and the responsibility for its payment so far as the bond-holder is concerned should be undertaken by a joint organisation representative of both Governments and to be set up jointly by them. Both Governments will be responsible for discharging their respective share of the liability in respect of each loan, as it arises, for payment to the bond-holder.

2. The first alternative would not only involve an immense amount of work but would also entail the issue of bonds for comparatively small and meticulously calculated amounts. It would also cause inconvenience to the bond-holders.

Alternative (ii) would not be consistent with the sovereignty of the Government which assumes a debtor status and would not be linked with any inherent necessity of the situation. It would not be acceptable.

Alternative (iii) would present serious practical difficulty in earmarking individual loans to the Governments on an equitable basis, having regard to the varying rates of interest and dates of maturity of loans.

The last alternative would appear to be the best, and to be in maximum accord with the facts of the situation. It will have the added advantage of maintaining intact the present security behind the public debt. It is proposed that:

- (i) Both Pakistan and the Indian Dominions will declare their intention jointly and severally to honour in full the debt obligations of the present Government of India.
- (ii) An international and statutory body to be called Pakistan-India Debt Commission will be set up by the two Dominions. For this purpose both Dominions will pass legislation in similar terms.
- (iii) The office of the Commission will be located at a place to be mutually agreed upon by the two Governments.
- (iv) The Commission will consist of an equal number of representatives of Pakistan and the Indian Dominion. It will have no Chairman.
- (v) The Commission will derive necessary funds for its own expenditure and for meeting debt liabilities from both Governments. The Commission will be entitled to demand from each Dominion the appropriate amounts required for payments not more than one month in advance of the due date.
- (vi) The liability of the two Governments will be joint and several, that is, in the event of one Government defaulting in the payment of its share, the other Government will be wholly liable for the full amount.
- (vii) Each Government will pay its share of the amounts due from time to time under (v) above in its own currency at the official rate of exchange.
- (viii) The Debt Commission will be concerned only with the loans of the present Government of India which are outstanding on 15.2.47. Any loans which Pakistan or the Indian Dominion may choose to float on their own account will not fall within the purview of the Commission.

- (ix) The Commission will be dissolved after all the outstanding loans and interest have been cleared.

82. *Withdrawal of non-Muslim personnel from the Pakistan Dominion*

The major issue relating to personnel arise as a result of the establishment of the Pakistan Dominion with effect from the 15th August. These are:

- (1) whether all personnel who have elected India, whether provisionally or finally, should be withdrawn from Pakistan territory on the 15th August, and
- (2) whether the option to elect India or Pakistan should be extended to personnel serving in Provinces which are not being partitioned, as, for example, Sind, N.W.F.P., and Baluchistan.

2. While the Centre recognises that in the interests of administrative efficiency transfer of personnel should be arranged over a period of time, the Provinces, particularly the Punjab, feel that in the conditions prevailing today, when officers and their families feel that their security is at stake, provision should be made for withdrawal by the 15th of all those who have elected India. While appreciating the attitude of both the political leaders and the officers concerned, the following considerations have to be borne in mind in coming to a decision:

(1) It may be in the interests of India to leave a certain number of officials in the seceding territories to look after and safeguard the position of the non-Muslim population left behind as a result of geographical division. (The Bengal leaders feel that such a course should be adopted.)

(2) A complete withdrawal of non-Muslim officers might result in an administrative breakdown in the seceding territories and this will not be in the interest of the non-Muslim population left behind.

(3) It will not be possible for India to absorb within a reasonable period of time *all* the non-Muslims who elected to serve in India.

3. For the reasons stated above, it would appear to be politically unsound, besides being administratively difficult, to effect a complete transfer by the 15th August. Nor is it desirable to create, from the outset, an atmosphere of distrust and lack of cooperation between the two states. Further, the utility to other parts of India of certain classes of non-gazetted personnel, e.g., patwaris, constables, etc., is very limited. They will be obvious misfits in an area where the language and the local revenue system and laws are different. A decision, for these reasons, to leave certain categories of non-gazetted personnel behind—by whatever means—might be regarded as discriminatory, especially as these classes have, if anything, a greater reason to feel insecure. As the absorption of these in other parts of India is in any case practically impossible, the only solution would be to

provide greater security to them; and one of the ways of doing so would be to leave a certain number of gazetted officers also to serve in Pakistan. Due to shortage of personnel, these officers would be welcome to Pakistan, and it should not be difficult, therefore, to negotiate suitable terms and safeguards. For instance, the following arrangements would serve the purpose:

- (a) All those who have elected India, would be regarded, notionally, as part of the Indian cadre.
- (b) Such of those in (a) above, whose services are desired by Pakistan and can be spared by India, would continue in Pakistan, on existing terms of salary etc., but as on loan from the Indian Government.
- (c) As one of the consequences of (b) above, the Pakistan Government will not have the power to take any serious disciplinary action against them. They can always be reverted.
- (d) If, during the period of the loan, the officer concerned chooses to cancel his previous election, he would be allowed to do so and the Government of India would be absolved from all further responsibility in respect of the individual.
- (e) For the period of the loan, the Pakistan Government must assume liability for family pensions—terms to be negotiated for both gazetted and non-gazetted staff.

4. On the second point it is felt that officers who are serving in Provinces in Pakistan, which are not being partitioned, should also be allowed the option of electing Indian service. Whether this concession should be extended to non-gazetted officers as well requires consideration in the light of the observations made in the previous paragraph on point (1). If after this consideration it is felt that non-gazetted personnel cannot be given any option, the whole question should be dropped as it would be invidious to make a distinction. As a corollary, we should be ready to give the same option to Muslims in the rest of India.

5. To allay apprehension which has been expressed in certain quarters that non-Muslims who lose their Indian domicile as a result of the geographical division of India, provision should also be made to enable the Indian Government to employ non-Muslims of Pakistan should they wish to do so. The manner in which this provision should be made is a matter for the Indian Constituent Assembly.

83. *A note by H.M. Patel on the partition of Punjab*

TOP SECRET

The administrative arrangements for effecting the partition of the Punjab were made by H.E. the Governor, as it is a Section 93 Province. The directive to the

Committees were also issued by him and these have been substantially undisturbed. While the Central pattern has now been adopted by the constitution of a Partition Committee and a Steering Committee subordinate to it, the original Committees continue to function except that there has been a change in the composition and personnel of these Committees. The Punjab Committees are:

- (1) Committee on financial assets and liabilities;
- (2) Committee on physical assets;
- (3) Committee on institutions of provincial importance;
- (4) Committee on services and records;
- (5) Committee on civil supplies (dealing mainly with procurement, movement and distribution of foodgrains);
- (6) Committee on budget; and
- (7) Committee on contracts.

The functions of the first three Committees are discharged at the Centre by the Committee on assets and liabilities. The existence of three Committees on the same subject has resulted in a certain lack of coordination.

The Physical Assets Committee has already submitted a report in which certain principles for the division of physical assets have been suggested. The recommendations of the non-Muslim section of this Committee have been adversely criticised both by the political leaders as well as other officials. Advantage has, however, been taken now of a note of dissent by the Muslim Finance Secretary to remit the report back to the Committee for reconsideration. The Committee on financial assets and liabilities has also concluded its deliberations and is about to establish the principle on the basis of which division is to be effected. It is necessary, therefore, at this stage to indicate from the Centre the line that our Punjab representatives should take on these Committees.

With compliments from
H.M. Patel, C.I.E., I.C.S.

The Hon'ble Dr. Rajendra Prasad.

84. *Resolution passed by the Constituent Assembly on the replacement of English by Hindi*

RESOLUTION

Whereas English cannot and must not for long remain the official language of Free and Sovereign India but should be replaced, at the Centre, by Hindi within a reasonable time;

And whereas it is expedient that foundation to that end be truly and firmly laid;



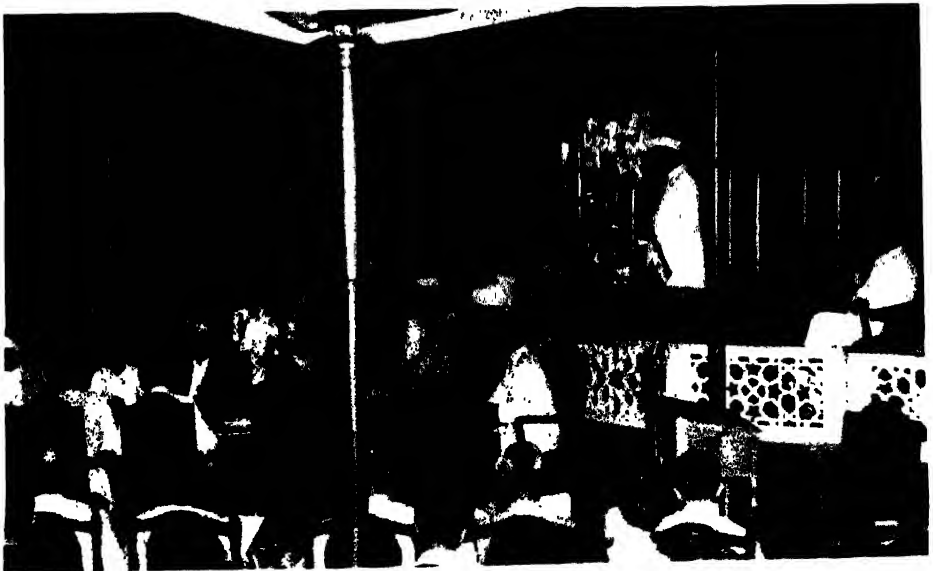
Dr. Rajendra Prasad with Vallabhbhai Patel, Jawaharlal Nehru and Lord Wavell



Dr. Rajendra Prasad with Jawaharlal Nehru and Lord Mountbatten



Dr. Rajendra Prasad signing some important papers as President of the Constituent Assembly



Dr. Rajendra Prasad addressing the Constituent Assembly

This Constituent Assembly resolves as follows:

- I. (a) that the Constitution of India be framed in Hindi side by side with English;
- (b) that a provision be made in the Constitution that the Hindi text and the English text shall be of equal authority, subject to the following provisos, namely;
 - (i) that in case of any discrepancy between the Hindi and the English texts the latter shall prevail for a period of five years from the date the new Constitution comes into effect;
 - (ii) that on the expiry of the said period of five years the English text of the Constitution shall cease to be valid and the Hindi text of the Constitution, for the time being in force, shall be deemed to be the only authoritative text;
- II. that the Hindi version of the Draft Constitution prepared by the Hindi Translation Committee appointed by the Hon'ble the President be referred to a Committee consisting of the following members* for such changes in the wording thereof as they may deem fit to make. The Committee is hereby charged with the duty of piloting through the Assembly the Hindi version of the Constitution of India incorporating such changes in the aforesaid draft as may be found necessary consequent upon the amendment of any of the Articles or the Schedules at the consideration stage.

*Names of members not included.

85. *Amendment suggested in the Draft Report of the Union Powers Committee*

Paragraph suggested by Sir B.L. Mitter, Sir V.T. Krishnamachari and Sir Alladi Krishnaswamy Ayyar to replace the last portion of para 2 at page 4:

"We realise that, in the matter of industrial development, the States are in varying degrees of advancement and conditions in British India and the States are in many respects dissimilar. Some of the above taxes are now regulated by agreements between the Government of India and the States. We, therefore, think that it may not be possible to impose a uniform standard of taxation throughout the Union all at once. Keeping, however, the aim of ultimate uniformity in view, we recommend that, for the first fifteen years after the establishment of the Union, the incidences, levy, realisation and apportionment of the above taxes in the State units shall be subject to agreements between them and the Union Government. Provision should accordingly be made in the Constitution for implementing the above recommendation."

86. *Draft Resolution of the All Burma Indian Conference in Rangoon, 1947*

I

Condolence Resolution on Assassination of Bogoyoke Aung San and his Colleagues

This Conference places on record its deep sense of sorrow and loss to the nation by the assassination of Bogoyoke Aung San, the beloved leader of the country, and his colleagues, under extremely tragic circumstances. It strongly condemns such violence and brutal methods specially so for gaining political ends. The Conference conveys its sincere condolence to the Government of Burma and the members of the bereaved families.

II

Indian Independence

This conference representing all classes and interests of Indians in Burma offers its felicitations and affectionate greetings to the motherland on the attainment by her on the 15th August 1947 complete freedom and independence from foreign domination. In doing so it places on record its proud and grateful appreciation of the sufferings and sacrifices made by the sons and daughters of India in this historic struggle for the cause of Independence.

In this moment of rejoicing the Conference members with deep admiration pays its homage to all those brave men and women of India who have cheerfully laid down their lives at the altar of liberty, who have smilingly gone to prisons and undergone all manner of privations and tortures, who fearlessly and courageously faced bullets and lathi charges and who fought against heavy odds in the battlefields of Imphal and other places.

This Conference also pays its respectful homage to the great and revered leader Mahatma Gandhi, the Father of the Indian Nation, whose high ideals, noble endeavours, unceasing labour and unique technique of non-violence have achieved what the world imagined an impossibility. May his precious life be spared for many years to enable him to consolidate the newly won Indian Freedom.

III

Burma's Independence

This Conference rejoices that on the 4th of January 1948 Burma will achieve the status of an Independent Sovereign Republic. On the eve of this happy and historic occasion it offers its felicitations and greetings to all inhabitants of the country. The Indian community wholeheartedly associates itself with the rejoicing and celebrations on that occasion and share with the rest of the country the duties, responsibilities and obligations that the new status of Burma will demand of its citizens. The Conference pays its homage to the martyrs who have died that Burma may be free and records its grateful appreciation of the sufferings and sacrifices of all men and women who have valiantly struggled for the freedom of the country.

IV *Education*

This Conference records its appreciation of the findings of the Burma Educational Policy Enquiry Committee, 1946, especially where these (i) allow the non-Burmese speaking children, including those of non-indigenous races, the use of their respective mother-tongues as the medium of instructions in the Primary Department, (ii) grant the option for the continuance of the mother-tongue as a second language in the secondary stage in addition to English, and (iii) provide for the making of these arrangements in state schools wherever feasible.

This Conference desires to draw the pointed attention of the Government to the urgent need of aiding private non-denominational educational institutions which in the absence of an adequate number of state schools are fulfilling the need of the people. It suggests to the Government that such private recognised institutions may be given lump-sum grants to help them in their work.

Further, the Conference supports the decision of the Committee to introduce Burmese as the main language in schools and colleges and urges on the Government the need of allowing Lower Burmese in School Leaving Examination for a period of five years till March 1953 and suggests that at each successive examination the standard be adequately raised so that by March 1954 non-Burmese speaking students may be able to take this examination by the normal standard; a sudden switch-over from little or no Burmese to normal Burmese is a great hardship for the non-Burmese speaking student community.

V *Burma Citizenship*

Resolved that in view of the confusion now prevailing in the minds of Indians over the question of acquisition by them of Burma citizenship, this Conference is of the opinion that it will be in the interests of all Indians who are permanently settled in Burma and who propose to continue living in this country for good and have little or no ties in India or the intention of returning there to acquire Burma citizenship which will confer on them all the rights, privileges, responsibilities and obligations that the new Constitution of the Republic of Burma confers on members of indigenous races.

This Conference appreciates the provision made in the Constitution of Burma for the acquisition of Burma citizenship rights which had been denied to a large number of Indians by the White Paper published in January 1947. The Conference, however, feels that the decision in this regard is of a vital nature involving a number of considerations and difficulties. Sufficient time should be allowed to them to make up their minds and to take a final decision. A number of evacuees are still in India and it will be some time before they will be in a position to return and claim Burma citizenship. This Conference therefore urges that a period of at least two years should be allowed for the people to make their choice.

VI

The question of Indian immigration into Burma has been the subject of protracted negotiations between the Governments of India and Burma. The Government of Burma felt the necessity to enact the Burma Immigration Emergency Provisions Act, 1947, and put it into operation since June 1947. The administration of this Act has occasioned considerable hardships to Indians travelling between India and Burma. The getting of entry and re-entry permits has been made very costly entailing not infrequently indignities and humiliation in administrative action. Although some improvement has been noticed there yet remains much to be done to ensure smooth and easy administration of the Act. This Conference, however, feels that in order to obviate constant difficulties in this behalf there is an urgent need for an early Immigration Agreement between the two Governments on all outstanding issues so that in any future legislation that may be enacted in Burma as a result of such an agreement the present hardships and handicaps which the Indian community now suffer from are removed.

This Conference recognises that in future immigration, Burma as a Sovereign Democratic Republic will have the right to control the composition of her population according to the requirements of the country. It is however urged that while reaching an agreement due consideration should be given to the historical and geographical connections between India and Burma and the peculiar circumstances, including political associations of the two countries leading to the migration of Indians to Burma over a series of decades for business, profession, agriculture and other avocations.

It is further urged that in view of the existence of a large number of Indians who will of necessity constantly travel between India and Burma no undue or avoidable administrative difficulties should be placed in their way.

VII

This Conference, while thanking the Members of the Burma Government and other leaders for various assurances to the Indian community through Press and Broadcast, resolves to request the Government to see to the implementation of these assurances by instructing the executives in remote areas to bring about good relations and mutual understandings between the Burmese people and the Indians. It calls upon Indians all over Burma to make special efforts to maintain cordial relations with the indigenous people.

VIII

Office of the High Commissioner for the Dominion of India in Burma

In spite of the best efforts of the High Commissioner for the Dominion of India in Burma, the conditions of the Indian labourers, cultivators and the immigrants

have not much improved due to inadequate staff. This Conference therefore appeals to the Government of India to take special and immediate steps for removal of these defects and provide sufficient staff to carry on effective measures towards this end.

IX

This Conference demands that all laws in force in Burma, including Tenancy Enactments, should be applied to Zeyawadi and Kyauktaga Grants with immediate effect and that the latest Tenancy Enactment, of 17th December 1947, should be implemented without fail. (Moved by Chandrikaprasad Varma and seconded by Subodh Mukherji.)

X

Resolved that an Indian organisation of an all-Burma character, called the All Burma Indian Congress, be established forthwith, and

- (1) that for purposes of making a beginning the R.C. members of and the delegates to this Conference be considered founder primary members of the All Burma Indian Congress;
- (2) that the members of the Subjects Committee of this Conference be constituted the Council of the All Burma Indian Congress for 1948 with powers to co-opt to an extent not more than 1/3 its present strength;
- (3) that the Council shall elect from among itself a Working Committee of 15 including its office-bearers, viz., President, two Vice-Presidents, General Secretary, one or more Secretaries, and Treasurer;
- (4) that the W.C. (Working Committee) shall draft a constitution for the All Burma Indian Congress and place it before the Council of the All Burma Indian Congress for its approval and confirmation within two months;
- (5) that the Council of the All Burma Indian Congress shall be the policy-making body of the All Burma Indian Congress and the All Burma Indian Congress Working Committee be its executive; and
- (6) that all the work arising out of this Conference, its assets and liabilities shall devolve on the All Burma Indian Congress as if these belonged to it originally.

(Moved by Dr. A.K. Nag, and seconded by Mr. Rajaram Singh and Mr. K.S.N. Moorthy.)

87. *A note by Dr. Rajendra Prasad on the food situation*

With a fairly normal rice crop now in sight, the hope is justified that the rice eating portions of India will get through the most critical phase of the food situation without loss of life although after much suffering and underfeeding

which has had to be resorted to for a pretty long time. But, unfortunately, the same cannot be said of the wheat areas. The crisis is now gradually shifting from the South and the East to the North and the West. The wheat crop has just been or is being sown. There has been shortage of rain in the northern and western regions and moisture in the soil is said to be below the normal and unless we have rains in winter the crop may well be affected. Besides, there are other factors on which the crop is largely dependent and we do not know how things will turn out. Even if all turns out as we wish it to, the crop is still some four or five months away and we have to so arrange our affairs as to enable these areas to get through without much suffering.

2. The difficulties we have to face are real. To meet the crisis in other parts the Government of India has had to borrow large quantities of wheat from the Punjab and Sind on promise to repay the same from December onwards. The United Provinces have by rigorous procurement managed to do without any help from the Centre so far but they, too, will need assistance hereafter and largely in wheat. Other Provinces, although not mainly wheat eating, cannot do without wheat altogether, and particularly the areas which are rationed need a certain proportion of their demands to be met in wheat. Our source of supply of wheat to meet these requirements is largely import from foreign countries. On account of various causes, chief among which has been the prolonged strike of labour connected with shipping in the United States, our imports have fallen short of expectations. . . . The international organisation has been hard put to it to meet the requirements of various deficit countries out of declared availabilities in the various surplus countries. India could not get an allotment of what she needed. Indeed she had been allocated what was available practically from month to month and on the whole the total quantity allocated has been much less than her requirements. So while we have somehow managed to keep the rice eating population alive by feeding it with wheat and maize, which really ought in the first instance to have been reserved for the wheat eating Provinces, we must now somehow feed the latter. This difficulty is real but I am not without hope that the situation will not develop into what it has been like in the past six or seven months. It will require careful handling and a play of the same qualities of our people which have enabled us to get through the crisis so far. We shall of course continue to require and press for imports as far and as much as possible and let me hope that we shall, henceforth, now that the strike has ended and large stocks of wheat are reported in the Press—let me trust that these reports are well-founded—to be available, get larger supplies than in the past two months or so.

3. The point which should be impressed is that this seesaw between rice and wheat and an overhanging crisis caused by impending shortage of food will not end until we are able to produce enough in our own country. India is an agricultural country and must produce at least to feed her people. She has been importing manufactured goods in large quantities in the past. If on the top of that she has also to import food from foreign countries, the future would be dark indeed. In fact imports would become impossible as she will not have the

wherewithal to pay for them. There is therefore the urgent necessity to increase our agricultural production. It can be done by extending agriculture and by intensive cultivation. Both methods have to be tried. While there is land available in the country which may be cultivated, it must be recognised that such land has not so far been cultivated because there are some inherent difficulties arising either from the nature of the soil, want of irrigation facilities, growth of deep-rooted grass, erosion or other natural causes which have rendered their cultivation so far not worthwhile. These obstacles will have to be somehow removed from the way and it may take time. Various multipurpose large schemes are under contemplation or being worked out which may help in bringing such land into cultivation, but such large schemes require planning, time in executing them, and large investments. We can hope to get results from them after some time. In the meantime the population is increasing and demand for food is increasing. Our standards of nutrition are also below the normal as compared with other countries. The increasing demand arising out of increases in the population has to be met; and the standard of consumption has to be raised considerably. These will require a very large increase in supply of food. We must leave the large schemes which will produce results only after some years to fulfil these requirements. We must meet the present crisis by short-term programmes of increasing production by adoption of means and methods which can be made easily and in a comparatively short period available. This is possible and we must exert our best to achieve it.

4. It is calculated that if we could step up our production to the tune of 4 million tons a year we might meet our requirements with our present standard of consumption. Our total production is roughly speaking 60 million tons annually. We need therefore an increase of one-fifteenth to reach this target. In other words if we can produce one maund more where we are producing 15 maunds now we shall have produced sufficient to meet the deficit. As the increase in production will not be uniform any more than present production is today, in some places we shall have to produce more than one maund to meet the deficit arising in places where we are able to produce less than one maund over and above every fifteen maunds being produced today. This extra production ought not to be difficult to achieve, especially when we remember that our yield is much less than agricultural yield in other countries, which is sometimes double or even more than double per acre as compared to our yield. This purpose can be achieved by the threefold methods of improving irrigation, supplying better seeds and feeding the soil with suitable manures, all combining to result in better cultivation of the soil. Extension of agriculture will of course be carried on side by side with intensive cultivation.

5. Irrigation facilities should be provided where they do not exist and improved where they exist. It should be recognised that cultivation needs nothing more than the requisite quantity of water and this may be supplied by canals, wells, tanks, rivers, and channels. Canals come under large projects and require time and investment for planning and execution. But wells—surface wells and

tubewells—can with small investments and in short time be easily sunk. So also can tanks and channels be excavated. Some of the smaller rivers and rivulets can be utilised for supplying water to a great deal of thirsty land. In other places waterlogged areas can be improved by opening drainage channels. It has been found that better seeds give larger yield. Such seeds have to be produced and made available to the ordinary cultivator. Experiments have been made at various research centres and superior varieties of seeds have been discovered. They have to be produced on a sufficiently large scale so that the requirements can be met.

6. It is well known that manure is a necessary ingredient not only for increasing the yield per acre of land but also for keeping the land from deteriorating. We must see to it that all that is wasted and is a nuisance and source of danger to health and sanitation is turned into manure and made to yield more food instead of disease that it does today. All refuse and excreta from man and other animals should be utilised and converted into manure. Fertilisers need to be used with caution according to the quality of the soil and mixed with organic manure.

7. We need also to improve our methods of cultivation and for this purpose better implements and better livestock for supplying the necessary power are required and we must find means to supply these. Better bullocks will incidentally imply better supply of milk, as we cannot improve the one without simultaneously improving to some extent the other. We need double-purpose breeds which will give us more milk and at the same time better bullocks also for draught purposes.

8. All these have to be employed simultaneously and without delay. It is proposed that this increase in our production should be achieved within the next five years and that by 1951-52 we should produce enough to meet this deficit of 4 million tons. As I have stated above it is not impossible to achieve it, as it implies production of 16 maunds and a little more where 15 maunds are produced today. We have to supply the initiative and drive and determination and it will be achieved. To help and encourage, the Government have decided to give financial aid also apart from technical help and advice which may not be within the means of ordinary cultivator. One of every rupee that may be required to be spent on or invested in this, the Government of India has decided to contribute four annas, the Provincial Governments are expected to contribute another four annas, and only eight annas have to be found by the person benefited by the improvement effected in the means of irrigation which will be more or less permanent. If things are well-managed the 8 annas contributed by the cultivator can be recovered from the extra produce alone in 3 to 4 years' time if not sooner. If he can find it from his savings, well and good; but even if he has to borrow, he can repay the loan within a short period, if he manages his affairs with prudence and care. Let the country and particularly the cultivator realise that he has to put in his best efforts to increase production, if the country has to live, and let him take full advantage of the aid proffered by the Government. Let the Provincial Governments which

are really responsible for bringing about this improvement and for feeding the population work with knowledge and determination. Let them employ the necessary staff to work out and implement short-term quick-result-producing schemes. Let them fix targets so as to get this extra produce. It will be well for them to aim at a 10% increase in their respective areas by providing facilities for irrigation, better seeds and more manure and by introducing improved methods of cultivation within the next five years and let them provide their share of the cost as indicated above. There is no reason why we should not produce the extra four million tons and thus become more or less self-sufficient and independent of imports of food. Drive, determination and intelligent handling are required and these should come from the Governments and the people at large alike to make India free from the incubus of scarcity and famine.

88. *A telegram to the Viceroy from Sir Jadunath Sarkar, Dr. Meghnad Saha and others**

The following telegram was sent from Calcutta to H.E. the Viceroy, with a copy to Dr. Rajendra Prasad. It was signed by Sir Jadunath Sarkar, Dr. Meghnad Saha, Suniti Kumar Chatterji, Sisir Kumar Mitra, Nikhil Ranjan Sen and Kalidas Nag of the University of Calcutta, Dr. Ramesh Chandra Majumdar, Ex-Vice Chancellor, Dacca University, Dr. B.M. Sen, Ex-Principal, Presidency College, and the Principals of Vidyasagar, City and Bangabasi Colleges, Calcutta.

THE CONSENSUS OF OPINION AMONG PROFESSORS LECTURERS AND STUDENTS IN THE UNIVERSITY OF CALCUTTA AND AMONG EDUCATIONISTS GENERALLY IN BENGAL IS IN FAVOUR OF IMMEDIATE INTERVENTION BY THE VICEROY INTO THE AFFAIRS OF THE PROVINCE AS REPRESENTING THE UNIVERSITY AND COLLEGE PROFESSORS AND EDUCATIONISTS IN BENGAL WE URGE UPON HIS EXCELLENCY TO SAVE EDUCATION IN THIS PROVINCE FROM CHAOS OWING TO THE CRIMINAL INCAPACITY OF THE PRESENT BENGAL GOVERNMENT WORK IN THE UNIVERSITY AND THE COLLEGES IS AT A STANDSTILL THROUGH UNCHECKED MURDER ARSON AND LOOTING AND OFFENCES AGAINST WOMEN WHICH HAVE FILLED THE WHOLE OF BENGAL WITH A HOPELESS SENSE OF INSECURITY WE ALSO WHOLLY SUPPORT THE IMMEDIATE FORMATION OF A SEPARATE WEST BENGAL PROVINCE GUARANTEEING UNDER A NONCOMMUNAL MINISTRY SAFETY OF LIFE AND UNHINDERED PROGRESS IN EDUCATION AND OTHER VITAL MATTERS

*The telegram bears no date.

89. *A letter from Dr. Meghnad Saha to Dr. Rajendra Prasad**

UNIVERSITY COLLEGE OF SCIENCE
(DEPARTMENT OF PHYSICS)

CONFIDENTIAL

92 Upper Circular Rd.
Calcutta

Dear Dr. Prasad,

I wish to thank you very much for your kind letter of 5th May 1947 and for your sympathy for the victims of the Calcutta riots and also for the Hindus of Bengal. I have sent a copy of your letter to Sir Jadunath Sarkar. Mr. Das who was killed is the son of your friend mentioned by you, Mr. Probodh Chandra Das, Advocate of Calcutta High Court, whose father Rai Bahadur Sarat Chandra Das gained fame as the explorer of Tibet about 1880. Mr. Das's address is given below:

Mr. Probodh Chandra Das, M.A., B.L.
Cart Road, Darjeeling
(Opposite to Burdwan Raj House).

Probably you have not taken notice of the last part of my letter where I mentioned that according to the dying declaration of one of the goondas all these assassins are being paid by some powerful party at the rate of Rs.25 for every Hindu murdered and Rs.15 for every Hindu wounded. Some Mohamedans have always believed in assassination as a means of attaining political end and at least one sect has raised political murders to the status of religious sanction. You are probably aware of the famous sect of assassins. You are also probably aware of the Wahabi movement about 1870 in which highly placed British officials were murdered by those fanatics. One of them was Lord Mayo, Viceroy of India; another was the Chief Justice of the Calcutta High Court. Then the Indian Government put down the murderous activities of this sect with a high hand. It appears from information we have gathered that some powerful party has organised such a band of assassins to murder innocent people and strike terror into the hearts of Hindus. This matter should be brought to the notice of the members of the Interim Government of the Viceroy, if necessary.

Probably the people at Delhi have no idea of the conditions in Calcutta. My laboratory at 92 Upper Circular Road is in the Raja Bazar area which is a den of gangsters and murderers. From my laboratory I could look into 12 Girish Vidyaratna Lane, which is a narrow lane about 10 ft. wide opening into the Upper Circular Road. On both sides there are rows of Hindu houses, but beyond that to the south there is this notorious bustee. I could see for several days youths of 16 to 22 years pacing down Girish Vidyaratna Lane with iron helmets on their heads and brandishing long knives and threatening to murder every Hindu who

dared to come into the lane. Fortunately, after the August massacres our present Vice-Chancellor has put about a 15 ft. high wall with iron fencing on the top round our College. Otherwise, probably they would have rushed into our compound. We had to rescue the Hindu inhabitants by putting ladders on these walls, and helping them in escaping through the roofs. This happened for several days and the Science College laboratory had to house nearly 20 families for about a month. I informed the police as well as the Governor about the murderous activity of the goondas through our Vice-Chancellor but no action was taken. After the riots showed some signs of subsidence they have sent some British soldiers to our College.

We have been trying to get a few armed guards but so far our applications have not been sanctioned by the Bengal Government. All our activities are at a standstill for about a month.

What has happened to the Hindu residents in the border area of Raja Bazar has happened to thousands of families in the other border areas too numerous to mention. Education has almost collapsed, and so is trade, commerce and traffic.

I believe that unless West Bengal is separated with Calcutta as an integral part, there can be no peace for the Hindus of Bengal. We are all thankful to the Congress Members of the Interim Government for the support given to the movement.

With kind regards,

Yours sincerely,
M.N. Saha

*The letter bears no date.

90. *A letter from Rathindranath Tagore to the President, Constituent Assembly of India**

VISVA-BHARATI

Santiniketan
Bengal, India

Subject: India's national song.

Dear Sir,

During his last stay in Calcutta Mahatma Gandhi enjoined that the Visva-Bharati authorities should undertake the work of propagating the authentic tune of Gurudeva's national song--Janaganamana. Accordingly we took up the work of transcribing the song and its notation in Hindi characters. Fortunately for us the work was completed during Mahatmaji's lifetime. On being apprised of it he gave his blessings to our enterprise and wrote to us saying that he was "glad about the notation".

We wish now to request you to lend your official and personal help for the propagation of the correct and authentic version of the song. Gandhiji was very keen that it should be "sung by millions in one tune and one mode". The dignity of the national song, which voices our deepest national aspirations, demands that it should be rendered correctly on all official and non-official occasions in its authentic tune and spirit. With that aim in view choral parties, orchestras, etc., should be trained in the correct rendition of the national song. In order to give help in this direction we have prepared a printed transcription—a copy of which we have much pleasure in enclosing. More copies may be supplied on demand. We have also circulated the song along with its notation to all principal newspapers within the Union, for reproduction.

We rest in the hope that you will do all that lies in your power, personally and officially, to popularise and propagate the correct and authentic version of Janaganamana.

Very sincerely yours,
Rathindranath Tagore
General Secretary, Visva-Bharati

Enclosure not included.

*The letter bears no date.

91. *A letter from the Vice-Chancellor, Gurukula University, Kangri, to Abul Kalam Azad**

Dear Sir,

I beg to bring to your kind notice the case of the Gurukula Kangri University which is pending in your department since February 1947. On the 15th February 1947 an application asking grant-in-aid for the University was submitted to your office. At the end of the same month I personally saw you to explain the points contained in the application. After hearing me, you gave me an encouraging reply and asked me to see Dr. D.M. Sen, the Deputy Director of the Department of Education. I saw him accordingly and explained to him our viewpoint. Dr. Sen was very sympathetic. He admitted the claim of the Gurukula for Government help and told me to wait for the Government's decision.

Then commenced a protracted correspondence which is dragging on till now. On the 14th of March 1947 Education Department sent a letter asking information about our accounts, members of the staff, and scheme of studies. All this information was supplied by us without delay.

For about five months there was silence, and then on the 22nd August 1947 we received a letter from the Department of Education again asking our audited statement of accounts and two copies of the Handbook of the University. Both the things were again sent by registered post, for which we received a formal

receipt. As we had received no definite reply to our application till the month of November 1947, I again saw you in your office to remind you of our application.

Again there was a long gap, in which we waited for a definite reply. In the month of May 1948 your office sent us a letter again demanding the audited statement of accounts for 1947-48 together with the budget estimates for 1948-49. Both the things were sent on the 3rd of June 1948.

I have given all these details to show that our case has been before your Department for more than 16 months. I have personally seen you twice to emphasise the points contained in our representation. In the meantime, many educational and cultural institutions have received grants-in-aid from the Central Government. We do not grudge these grants but we feel worried and disappointed because our claim has not been admitted so far. The Gurukula Kangri is perhaps the oldest institution imparting education on purely national lines, without asking any help from the foreign Government. Against odds, we have worked for about 48 years with a hope that when freedom comes this national institution will get automatic recognition. Our hope has been fulfilled insomuch as many Provincial Governments have recognised the degree of the Gurukula University but unfortunately our case has so far failed to persuade the Central Government. Many of the Ministers of the Central Cabinet (Pandit Jawaharlal Nehru, Sardar Patel, Shri Shanmukham Chetty and others) besides prominent leaders such as Mahatma Gandhi and Dr. Rajendra Prasad have visited the institution more than once and have expressed their appreciation of the work and the principles on which it was founded.

I hope you will excuse me for the length of this letter. As my object in writing this letter was to draw your attention towards our application, I have had to refer to the long and protracted correspondence held between the Gurukula and the Education Department. I am sure you will give personal attention to our case so that the Gurukula may get the advantage of securing grants-in-aid for the last (1947-48) as well as the current (1948-49) years.

Yours sincerely,
(Sd.)

Vice-Chancellor
Gurukula University, Kangri (Hardwar)

The Hon'ble Maulana Abul Kalam Azad
Minister for Education
Government of India
New Delhi.

92. *A letter from Harchand Vishan to the President, Constituent Assembly**

I am enclosing herewith a copy of the resolution passed at the meeting of the members of the Sind Legislative Assembly elected from the General Constituencies of the Tharparkar District, and members of the Tharparkar District Local Board and of the municipalities and notified areas all over the District elected from the General Constituencies and representatives of Sikh and Hindu Panchayats including those of Bhils, Kolhis and Menghwars.

In support of the resolution I beg to submit:

1. As the resolution reads itself the meeting desire and believe in an undivided India under the Central Government. They are opposed to partition. But if partition is unfortunately decided upon, the above representatives demand that on the same principle on which a piece of territory is being taken away from India and separately constituted as Pakistan, the district of Tharparkar should also be detached from the proposed Pakistan and remain attached to the Central Union.

2. The reasons for the demand for Pakistan, as far as it is possible to gather from the Press report, are: (a) that the majority of population in a particular piece of territory are Muslims, (b) the territory is contiguous and can easily be constituted into a state. For these very two reasons, the case for Tharparkar District being detached from Sind, which will form a part of Pakistan, and continuing to remain attached to the Centre either by being administered Centrally or attached to Jodhpur State, which it is expected will form a unit of the Indian Union, is unanswerable.

3. *Geographical position.* Tharparkar District is on the south-east of Sind with an area of about 13,000 square miles, i.e., one-fifth of the Province, and occupies a very peculiar position. More than 2/3 of the District is unirrigated area contiguous with Jodhpur State. It has the same physical features, and therefore the same social customs, the same economic organisation, and the same language.

4. *Population.* In 1941 (Census year) the Muslim and non-Muslim population of the District was 2,92,025 (percentage 50.2) and 2,88,979 (percentage 49.8) respectively. The District was reconstituted in August 1945. The Sanghar taluka was taken from this District and incorporated in the Nawabshah District. As constituted at the present moment, there is a majority of non-Muslims in the District. The figures of population as per 1941 Census for the talukas in this District, as constituted since August 1945, are:

Talukas	Muslim	Non-Muslim	Total	Percentage (%)	
				Muslim	Non-Muslim
Mirpurkhas	30,840	38,133	68,973	44.7%	55.3%
Jamasabad	19,752	21,605	41,357	47.7%	52.3%

(Contd.)

Talukas	Muslim	Non-Muslim	Total	Percentage (%)	
				Muslim	Non-Muslim
Digri	32,338	27,905	59,243	52.8%	47.2%
Khipro	36,774	27,720	64,494	57.0%	43.0%
Umerkot	28,890	38,625	67,515	42.8%	57.2%
Samaro	26,285	25,226	51,511	51.0%	49.0%
Chachro	31,791	42,936	74,727	42.6%	57.4%
Nagarparkar	12,980	19,478	32,458	40.0%	60.0%
Diplo	23,962	10,039	34,001	70.5%	29.5%
Mithi	20,333	26,365	46,698	43.5%	56.5%
Total	2,62,946	2,78,032	5,40,977	48.6%	51.4%

5. The total population of the District now is 5,40,977. The non-Muslims are 2,78,032 and the Muslims 2,62,945. In percentages the non-Muslims are 51.4% and the Muslims 48.6%. The non-Muslims are 2.8% more than the Muslims.

6. The non-Muslims in the District are mostly Hindus, consisting of Rajputs (locally called Thakurs), Marwaris, Sindhis, Bhils, Kolhis and Menghwaris. The other non-Muslims are Sikhs. In other words non-Muslims consist of Hindus and Sikhs only.

7. The District is divided for administrative purposes into three Sub-Divisions. The population figure of the three Sub-Divisions as per Census figures of 1941 reads as under:

Division	Muslim	Non-Muslim	Total	Percentage (%)	
				Muslim	Non-Muslim
Mirpurkhas	81,930	87,643	1,69,573	48.3%	51.7%
Nara Valley	91,949	91,571	1,83,520	50.1%	49.9%
Desert Division	89,066	98,818	1,87,884	47.4%	52.6%
Total	2,62,945	2,78,032	5,40,977	48.6%	51.4%

8. In August 1945 Sanghar taluka was taken away from this District and attached to Nawabshah. Therefore in Mirpurkhas Division the population of Sanghar Taluka has been omitted.

9. Even as regards the Divisions it will be found that in the two Divisions, viz., Desert and Mirpurkhas, non-Muslims are in a majority. In the Nara Sub-Division the two communities are evenly matched.

10. A very casual study of the map of India with special reference to the Tharparkar District and Jodhpur State will demonstrate the following:

- (a) The Tharparkar District is contiguous with the Jodhpur State.
- (b) The natural boundaries of the irrigated part of Tharparkar District fit in well with Jodhpur area but look an unnatural appendage of Sind.
- (c) There will be absolutely no difficulty in settling the boundaries. The boundaries which at present are the boundaries of Tharparkar District will constitute the boundaries of enlarged Jodhpur State.

11. On the grounds on which a particular territory is being claimed to be partitioned and included in Pakistan, the claim for Tharparkar being detached from Sind and being administered Centrally or attached to Jodhpur is complete. But it is based on sounder reasons.

12. Ethnologically there is much in common between a large part (i.e. more than 2/3) of Tharparkar District and Jodhpur. The physical features of the two pieces of territory are the same. In fact it is one continuous area with common features. Naturally the people of the two areas are the same. They have common social customs and they intermarry with each other.

13. They have also a common language—Marwari. The same language is spoken in 2/3 part of Tharparkar. It is a local dialect called Thareli or Dathi. The script in which the Marwari and its local dialect Thareli or Dathi is written is Devnagari Hindi.

14. Historically, for a long time, a considerable part of Tharparkar District formed part of Jodhpur State. Even now it is said that a large part of the District is administered for Jodhpur State by the British Government through the Provincial Government of Sind. The territory has been leased out and the British Government annually gives a certain sum as lease money to the Jodhpur State.

15. The Tharparkar District is served by Jodhpur Railway. Communications are a very important factor in the economic welfare of any piece of territory and with Jodhpur Railway already laid, it will be very easy to form its different branches and link up the whole area by rail and bind up communications which is an urgent need.

16. It may also be urged that the income-tax in the Tharparkar District is paid mostly by Hindus. No authorised figures are available, but on a rough estimate it will not be an exaggeration to say that 95% of the income-tax payers are Hindus. Income-tax goes to the Central Government who have thus a close link with the non-Muslims of this District.

17. There are no authorised figures with regard to the holding of the land. But computing it roughly it will be found that more than 2/3 land is held by Sikhs and by Hindus who also pay at least 6% of the Land Revenue assessment.

18. The demand for partition of India is based chiefly on the ground that the majority of the population belongs to a particular community. The demand of the majority of non-Muslims is that Tharparkar District should not be forced into Pakistan. In the light of this test it will be unfair and unjust to force a majority into the proposed Pakistan. A majority has a right to determine its own future and the part to which it wishes to belong. The majority in this District should therefore be allowed to make its own choice, i.e., to be detached from Sind and continued to be part of the Indian Union. It would be better if the District is Centrally administered but if for any reasons that is not possible it is urged that the District be attached to the Jodhpur State who it is expected will form a unit of the Indian Union and have a constitutional form of Government.

19. It is expected that a Boundaries Commission will be appointed to fix boundaries between the two parts of India if the country is divided. This Commission, it is urged, should be empowered to go into the question of fixing boundaries between contiguous Provinces and States which will join one or the other part of India, the contiguous Districts being allotted to the Indian Union or to Pakistan according as Hindus or Muslims constitute the majority in the District concerned. In fixing these boundaries as between Sind as a part of proposed Pakistan on the one hand and Jodhpur State on the other, the question of Tharparkar District should be carefully considered; specially so, as there is not only a Hindu majority but its geographical position, its physical features, its language, its social customs all make the major portion of it a natural part of Jodhpur State. In these circumstances it is not only fair and just but also convenient to allow Tharparkar District to continue with the Indian Union.

Thanking you in anticipation,

Yours faithfully,
Harchand Vishan

Enclosure not included.

*The letter bears no date

93. *Broadcast on the food situation in Madras by Dr. Rajendra Prasad, Member for Food and Agriculture*

During the last three days that I have been in Madras, I have been closely studying the facts of the food situation in this Province. I have discussed matters with the Ministers of your Province and other leaders.

2. I must tell you frankly that the position, as I see it today, is not at all as it should be. The Provincial Government has got on its hands a larger number of people to be fed than this time last year. The stock of foodgrains in Government's hands is only about one-half of what it was at this time last year. The quantities so

far procured are not appreciably higher, and in some parts of the Province very poor indeed. And, finally, the latest figures of procurement in recent weeks indicate a decline instead of an increase. It is essential that this trend should be changed, and changed immediately. Last year, the Madras Government was able to collect nearly 14 lakh tons of foodgrains in the course of 12 months from November 1945 to October 1946. In the beginning of this year, the Government estimated that 17 lakh tons should be procured, in terms of rice alone. At the rate at which procurement has gone on till now this target will not be reached by October next. If this target is not reached, I must warn you that supplies cannot be maintained for the rationed population even on a reduced 10 oz. ration. The danger of suffering and starvation lies ahead. In this situation, it is the plain duty of every one of you who has a surplus of foodgrains in his hands, to deliver it promptly to the authorities in order to help them to feed the people.

3. You may ask whether I have satisfied myself that the necessary surplus exists in the Province, and to what extent I would be able to help you with supplies from outside. I do not propose to trouble you tonight with a lot of statistics. There may be room for differences of opinion about all estimates of yield of crops. But I have generally satisfied myself that in spite of the effects of the unseasonable rainfall which occurred in November and December, the rice crop has been, on the whole, a good one. Taking the Province as a whole, it was undoubtedly a much better crop than in the previous year. I understand that the millet crop suffered somewhat more than the rice crop, but even so it was better than the extremely poor crops of last year. In those circumstances, I have no doubt that your procurement ought to be much better than it is. You should be able to manage with much less assistance in the form of supplies from outside than what you needed and were given last year.

4. In any case, it is a fact that the situation in other parts of the country is such that the Government of India is not in a position to give the same amount of assistance as before. Some months ago, I thought the food situation was becoming easier in the country as a whole. Today, this is no longer the case. Within the last few weeks, the wheat crop which promised to be a good one, was attacked by a disease called 'rust', and has suffered extensive damage over the greater part of Central India and North India. Many Provinces and States (big and small) which gave us their surplus last year and came to your assistance when you were in need, are themselves in need of assistance today. The Government of India is trying its best to mobilise all available resources both within this country as well as from abroad. We shall continue those endeavours and render all the help we can. But the conditions prevailing in the countries from which we may expect to get supplies, are also difficult; and it is inevitable that in distributing the limited resources in our hands, the needs of all those areas which have had a much poorer crop than last year, must be borne in mind. That is why I feel that Madras must rely almost entirely on her own resources in the coming months.

5. I am told that one reason for the poor procurement so far in this Province has been the feeling among the producers, at any rate in some districts, that the

Government will increase the price of paddy, or give them a bonus as in last year. The Madras Government themselves have repeatedly made it clear that this is not their intention. In doing this, they have acted with the full support, and indeed at the instance, of the Government of India. It is my earnest desire that any misapprehensions, which may still remain on this subject, should be finally cleared and all of you should understand and appreciate the policy of the Government of India and the Government of Madras in this matter, and cooperate in giving effect to it. The demand for increase in the price of paddy is not peculiar to Madras, nor is the refusal to accept the demand a special disability from which you suffer. It is an all-India problem which has to be handled in accordance with an all-India policy. Experience has shown that the price of foodgrains is a fundamental factor in determining the general level of prices and wages in the country. If we allow the price of foodgrains to increase, we inflict a hardship on the large mass of poor people who do not produce their own food, or produce it inadequately. This leads to a demand for a rise in wages, and thereby an increase in the price of everything else. And, finally, things become dearer for the producers of food also, thereby depriving them of the temporary benefit of the increased prices given to them. This again leads to a demand for a further increase in the price of grain. We cannot go round endlessly in this vicious circle. We have considered the subject repeatedly, and indeed I discussed it once again, in all its bearings, with the Ministers of the Madras Government. We have also examined, with great care, the possibility of allowing some increase in the price and meeting the cost from public revenues, without making the consumers pay more. We have been led to the conclusion that this would involve an insupportable burden. The plain fact is that neither the Government of India, nor the Provincial Government, nor the people, can afford any further increase in the price of foodgrains anywhere in the country.

6. We must all face facts, and the facts are as I have stated them. I want you to believe me when I say that we are anxious to be fair, just and helpful, to the producers of foodgrains, and to that end to adopt every measure which is practicable and consistent with the welfare of the country as a whole. Raising the price of foodgrains is not, however, one of them. On the other hand, there is a good deal to be done by way of helping the producers with money, materials and advice, in order to enable them to grow more food. We must achieve progress at a much faster rate and on a far larger scale than we have done so far. I want all of you to forgo the temporary advantages of an increased price and concentrate on increased production. The slogan should be not more money per maund but more maunds per acre. If we succeeded in achieving this object, not only would the producers be benefited by the price they would get for their extra produce, but the country as a whole would be benefited. The end of this period of distressing shortage of food would be brought nearer thereby. With this object in view, I have made detailed enquiries about the arrangements made by the Madras Government for intensifying their activities under the 'Grow More Food' campaign, and increasing the volume of assistance to be given to producers. I was

particularly gratified to hear about certain proposals under their consideration for procuring the maximum possible supplies of manure and making it available at cheap rates to cultivators. I earnestly hope that those arrangements will mature at an early date, and the producers would derive the fullest benefit from them. I assure you that in every endeavour which the Madras Government may make in this direction, they will have the fullest sympathy and active support of the Government of India.

7. We had some critical months to face last year. It was the determination and forbearance and patience of the people, coupled with the foresight and efficiency of the administration, that enabled us to see through that crisis. Both the kharif and rabi crops had been badly damaged last year and everyone was expecting a crisis and so the Government as well as the people were from the very beginning of it trying to prepare themselves to face it. In the current year we had a fairly normal crop of rice in most parts of the country and the wheat crop from all appearance seemed to be a good crop. But all of a sudden just when the time of harvesting was approaching rust appeared and damaged it heavily in the whole belt of the Central India from Hyderabad down in the Deccan right up to the district of Muzaffarnagar in the U.P., and this calamity has upset all our calculations and dashed to pieces all our expectations. We are thus once again face to face with a crisis but without last year's moral and physical preparation to meet it. But I know that the will and the determination to conquer the difficulty are still there-- they are latent at present and have only to be roused once again. We must realise the gravity of the situation and prepare to meet it. Let the South stand on its own legs, relieve the Centre of all anxiety and responsibility for it and set an example of self-help and self-sufficiency as it did with patience and efficient administration last year. Let the areas, which have wholly or partially lost the wheat and jowari crops and are thus in want, follow the lead the South gave last year and proceed determined to see the crisis through, whatever happens. The Centre will of course do its best to render such assistance as it can as it has always done ever since the Food Department was established—but success has to be won by the sacrifices and determination of the people at large. I said last year that our people have a knack of seeing through crises, the weight of which might well break others. That holds true today and last year's experience has indeed confirmed my belief. I have no doubt that with economy in the use of food, with determination to grow whatever eatables we can and wherever we can, and, above all, with courage that knows no flinching, we shall come out successful once again.

94. *Congress resolutions on the communal problem*

Lahore Resolution: 1929 (I.N.C.P. 105). Solution of the communal problem possible only on nationalist lines. Assurance to all minorities that no

solution will be acceptable to the Congress which does not give full satisfaction to the parties concerned.

Statement by Working Committee: July 1931 (Bombay, I.N.C.P. 105).

(a) The article in the Constitution relating to fundamental rights to include a guarantee to the communities of their cultures, languages, script, education, profession and practice of religion.

(b) Protection of personal laws, protection of political rights within the jurisdiction of the Federal Government.

(c) Adult franchise.

(d) Joint electorates: (i) Reservation of seats, (ii) appointment by Public Service Commission with due regard to attaining the principle of equal opportunity to all communities.

(e) Protection of rights of minorities by convention in Cabinets.

(f) N.W.F. and Baluchistan to have the same form of Government as other Provinces.

(g) Sind a separate Province.

(h) The future constitution: federal, residuary powers to vest in the federating units.

The foregoing is a compromise between the proposals based on undiluted communalism and undiluted nationalism. Any alternative scheme commanding general acceptance acceptable to the Congress.

Fundamental rights and economic programme: Karachi session: March 1931 (I.N.C.P. 66). It was varied at the Bombay A.I.C.C. meeting Aug. 1931 (I.N.C.P. 119).

Minority rights: A.I.C.C. Resolution (I.N.C.P. 71), Oct.-Nov. 1937. The Congress considers it its duty to protect their rights and ensure the widest possible scope for the development of those minorities and their protection in the fullest measure in the political, economic and cultural life of the nation. Fundamental rights reiterated. In all matters affecting the minorities the Congress wishes to proceed by their cooperation.

Working Committee resolution on Cripps proposals, April 1942. Right of self-determination to all communities in provincial units conceded.

The Congress wedded to Indian unity and freedom. Nevertheless the Committee cannot think in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will. . . . The acceptance of the principle inevitably involves that no changes should be made which result in fresh problems being created and compulsion being exercised on other substantial groups within that area.

August Resolution 1942. Central Government with residuary powers vested in Provinces.

95. *Gist of some correspondence between the Prime Minister Jawaharlal Nehru and the Food and Agriculture Minister Dr. Rajendra Prasad, covering the period from September 1947 to January 1948*

In September 1947 the food position in Delhi was critical due to the communal riots. The ration shops were closed from the 7th September 1947 and the Subzimandi godown was under heavy fire from automatic weapons. The Director of Civil Supplies, Delhi, tried to get trucks loaded at the Subzimandi godown for supply to the ration shops but he could not succeed. No police or army protection was available. The food administration in Delhi was made the responsibility of the Delhi Committee set up for the purpose, but the Committee was hardly able to do justice to its work. The Director, Civil Supplies, had been asking for police or army protection for his grain depots and particularly for the Agency which would transport grains from the depots to the ration shops but he was not successful in getting any escort or protection. On the 9th September, he was promised 60 police and accordingly he had arranged for labour and trucks but no protection was available to him. He tried to contact the army authorities but could not succeed. On the afternoon of 10th September 1947 he attended a conference in the Home Secretary's room and he was assured that all attempts would be made to provide him with military trucks and guard on the 11th September. The trucks were to be arranged for by the Deputy Commissioner. It was not only impossible to remove grains from the godowns to the ration shops but it had also become equally difficult to move grains from the wagons at Shahdara Station to the godowns. At Shahdara 1,000 tons of grains were awaiting unloading, and the special trains carrying grains were expected to arrive from the 11th September onwards. Police protection was necessary for these wagons before unloading, during the process of unloading, and for transport of the grain wagons from the station to the depots. The Food Minister was extremely upset by the conditions as prevailing then and in a strong letter to the Prime Minister dated 10th September 1947 he said that it was a problem essentially for the troops and defence forces and not for his Food Organisation. If the Delhi Committee, which was responsible for the food administration in the capital, could not guarantee the provision for escort and trucks, the Food Minister was in favour of placing the Delhi Food Organisation at the disposal of the army.

By the 17th September 1947, the military had been able to bring Delhi situation under control but the tension was there. The happenings in Delhi were covered by the world's Press and the Prime Minister was naturally greatly disturbed. In a letter to the Prime Minister dated 17th September, Dr. Prasad wrote saying that the problem must be tackled at the roots. The Congress was not going to rule like the British by sheer force of arms and, therefore, pacification by the military should not lead them to believe that the problem had been solved. Being a popular Government representing the will of the people, it was incumbent on them to influence the will of the people. It has to be taken into

consideration that what was happening in Delhi was the reaction of what was happening in West Punjab and in other parts of Pakistan. India had been unable to give any protection to the Hindus and Sikhs in Pakistan and if killing continued in Pakistan it would be difficult to restrain the people in India. It was, therefore, necessary while taking firm action against disorderly elements on the Indian side, to be equally firm with Pakistan and insist that the Pakistan Government should do likewise. By the apologetic attitude taken by the leaders, an impression had been created that all the atrocities had been committed on the Indian side and all the sufferings had been borne by people on the other side. The statement made by Jinnah, Liaquat and Company was in a way supported by the statements made by the Congress leaders which contained an admission of guilt and a half-hearted attempt at counter-charge. Thus, by being apologetic the Congress was not only setting its own people against it, it was also permitting world's opinion to go against it.

The Muslim League in the Punjab had passed a resolution demanding fortification of the frontier, conscription, and arming of the border population. Mr. Zafrullah Khan had talked about direct action. It was true that in overall resources Pakistan was weaker than India but a war by Pakistan could not be entirely ruled out and, therefore, it was necessary to take effective precautionary measures. No person, whose loyalty was doubtful, was to be allowed to continue in any post of responsibility, particularly in the military and the police, and magazines and arms stores were to be kept in charge of persons whose loyalty was above question. In Delhi all arms were to be seized and the Indian Delegation to the U.N.O. should be fully posted with all that was happening in Pakistan to meet the charges levelled by Zafrullah Khan.

Replying on the same day, the Prime Minister said that he entirely agreed with all the four suggestions made by Dr. Prasad and narrated the steps that were being taken to implement those suggestions. The Prime Minister felt that though every effort was being made to keep the U.N.O. Delegation informed and though the Press was being briefed regularly, the fact was that Delhi events had naturally a powerful reaction on all foreigners including Ambassadors and Press correspondents. They saw a picture of all Muslims, irrespective of position or residence or standing, being hunted down and killed. Every Ambassador's house was visited by gangs in search of Muslim servants. Three-fourths of the Delhi Muslim population were living in camps. All this had a powerful effect on the foreigners.

About the League leaders the Prime Minister said:

I quite agree with you that the statements made by Jinnah and Company have been most objectionable and one-sided. It is difficult for responsible persons to sink to their level.... I must confess to you that recent happenings in the Punjab and in Delhi have shaken me very greatly. That would be a small matter; but what is a much more serious matter is that they are shaking my faith in my own people. I could not conceive of the

gross brutality and sadistic cruelty that people have indulged in, in West Punjab, East Punjab and in Delhi. Of course I know very well that one thing has reacted on another and popular passions have been inflamed. Nevertheless there is a limit to killing and brutality and that limit has been passed during these days in North India. A people who indulge in this kind of things not only brutalise themselves but poison the environment. . . . Little children are butchered in the streets. The houses in many parts of Delhi are still full of corpses. . . . I am fairly thick-skinned, but I find this kind of thing more than I can bear. . . . I quite realise that I am out of tune with this environment and not a fit representative of it. . . . There was a time when under Bapu's guidance and insistence we used to condemn terroristic acts even when by normal standards they might have been justified in the cause of national freedom. Now open murder committed in the most brutal way stalks everywhere and we hesitate to say much about it lest we may lose our hold on the people. I must confess that I have no stomach for this leadership. Unless we keep to some standards, freedom has little meaning, and certainly India will not become the great nation we have dreamt of for so long.

Panditji recounted the difficulties in setting about the business of being prepared and said that the problems had been fully considered but then the situation was changing and the consequences of each step taken by the Government were bound to be far-reaching. "The world is watching us also and the world's opinion counts. But above all we are watching ourselves and if we fall in our own estimation, who will rescue us?"

The Australian Ambassador had suggested that if the Food Minister would pay a visit to Australia about the end of October 1947, it would be possible to have a firm agreement for one year for about 5 lakh to 10 lakh tons of wheat. Dr. Prasad intimated that he was provisionally thinking of paying a short visit to Australia in the last week of October. The departure for Australia from Calcutta by plane on the 25th October was also provisionally fixed. Nehruji, however, felt that in view of the difficult times through which they were living and a continuing crisis, the magnitude of which few people realised, it was difficult to spare Dr. Prasad at the time. Nehruji further said that he did not like the idea of the Food Minister going to Australia for a wheat agreement. Normally ministers did not go for such purposes and in view of the crisis in India Dr. Prasad's presence was eminently desirable. The Food Secretary, Mr. V. Sahay, in a note to Dr. Prasad contested the Prime Minister's point that ministers normally did not go to foreign countries for such purposes. Mr. Vishnu Sahay stated that Mr. Strachey negotiated the U.K.-Canadian agreement and Mr. Bevin went to the U.S.A. in the summer of 1946 to discuss wheat supplies. In U.K. such big matters were frequently handled by ministers and in this particular instance the Australians themselves liked to deal with a minister. The question was again considered in a Cabinet meeting and all the Cabinet colleagues, as per intimation of the Prime

Minister dated 25th September 1947, were of the opinion that it would not be befitting a Cabinet Minister to visit Australia for the purpose of negotiating the Wheat Agreement and that, in the emergency India was faced with, the Cabinet Ministers should remain in India. The Prime Minister pointed out that in connection with the Japanese Peace Treaty and the Canberra Conference great pressure was brought to bear upon India to send a Cabinet Minister to Australia for a few days. India did not agree and instead of sending a Cabinet Minister Sir B. Rama Rao was sent. In view of that the Prime Minister considered it desirable that a senior official be sent to Australia.

It was in October 1947 that the practice of the Prime Minister writing a fortnightly letter to all the Provincial Premiers in India began. The Prime Minister decided to write a fortnightly letter to all the Provincial Premiers on the 1st and 15th of each month and also asked the Premiers to send such a fortnightly letter. These letters were to take the place of the correspondence that used to pass between the Governor-General and the Governors of Provinces before the 15th of August. All the Ministers of the Government of India were required to bring any important matter which they wished to be conveyed to the Premiers of the Provinces to the notice of the Prime Minister and submit a draft paragraph by the 12th or 27th of each month.

The question of the Food Minister's proposed visit to Australia was considered by the Cabinet a second time and in a letter dated the 15th October 1947 the Prime Minister said that he consulted the Cabinet members again and they felt that taking everything into consideration it would be undesirable for a minister to go to Australia for wheat negotiations. Normally such delegations should not be led by ministers and with a crisis in India it was even less desirable.

In November 1947 the Chief Justice of India suggested to the Prime Minister that a legislation should be passed as soon as possible changing the Federal Court into a Supreme Court. Though this was going to be done by the Constitution, that was likely to involve delay and there was no point in further appeals going to the Privy Council. Only those appeals which had already gone with their records to England would have to be dealt by the Privy Council; the rest whose papers were still in India, even though leave to appeal had been given, would later be taken up by the Supreme Court when established. It was stated that all that was necessary in this connection was to enlarge the jurisdiction of the Federal Court so as to enable it to consider those appeals which might go to the Privy Council. In a letter to Dr. Rajendra Prasad dated 8th November 1947, the Prime Minister sought his agreement to refer this matter to the Legislative Department. The matter was referred to Dr. Ambedkar and Dr. Prasad agreed to that procedure.

On the 10th November 1947 Dr. Prasad, in a letter to the Prime Minister, expressed his surprise at the developments that had taken place in Junagarh. While congratulating the Prime Minister and the Ministry of States on the outcome, he said that a matter of such great importance had come to his knowledge only through newspapers. It might not be considered necessary or possible, Dr. Prasad said, to keep the Cabinet informed about the developments

as they took place but surely it was possible to give information to the Members of the Cabinet simultaneously with news agencies and Members of the Cabinet should not be left to pick up information about events of such importance, for which they are supposed to be jointly responsible, from newspapers. "I drew your attention to this fact previously also at an informal meeting of the Cabinet. In this case it seems developments have taken at least two days to mature and it was certainly easy to have communicated at least the upshot after our men had taken charge of Junagarh at 6 p.m. yesterday."

On the 13th November 1947, Dr. Prasad suggested a special meeting of the Cabinet to consider the question of food controls and proposals arising out of the report of the Foodgrains Policy Committee and the Provincial Ministers' Conference.

On 18th November 1947 Dr. Prasad wrote to the Prime Minister that as he had been elected President of the Indian National Congress, he could not continue to serve as Minister in charge of Food and Agriculture. He, therefore, tendered his resignation and hoped to be relieved as soon as possible. Replying on the 22nd November 1947, the Prime Minister appreciated that in view of his election as President of the Congress it would be difficult for him to function as a Minister. He, however, requested Dr. Prasad to continue in charge of the portfolios of Food and Agriculture for some days longer till other arrangements were made. "As you will no doubt realise, your Ministry had dealt with the most vital problems and it is not easy to find someone to take your place." The Prime Minister also said that the question of controls was being considered and it was desirable that some decision should be arrived at while Dr. Prasad was in charge of the Departments.

On the 3rd December 1947, the Prime Minister wrote a note to Dr. Prasad desiring to have his views regarding the proposed National Relief Fund. Though it was not a Cabinet matter as the Fund was not going to be a completely official Fund (although officials were connected with it), the Prime Minister wanted the opinion of his colleagues. During about the first three weeks of November 1947 the Prime Minister had received contributions meant for relief to the extent of about Rs.1 Lakh. He had put the contributions in a special account and started thinking if it would not be worth while starting a Prime Minister's Relief Fund or a National Relief Fund. A suggestion was given by J.R.D. Tata to open a Fund to be called either the National Relief Fund or the Prime Minister's Relief Fund. The Prime Minister had suggested in a note dated 25th November 1947 that there should be a trust consisting of the Prime Minister, Deputy Prime Minister, Finance Minister, President of the Congress, Chief Justice of India, a representative of Tata Trustees, and a representative of Industry and Commerce.

Under the Government of India Act, as adopted under the Indian Independence Act, a minister who did not become a member of the Assembly ceased to be a minister for six months. In December 1947, there were many ministers in the Cabinet who were not members of the Assembly. Those were: Maulana Azad, Dr. S.P. Mookerjee, Mr. K.C. Neogy, and Mr. C.H. Bhabha. In the case of

Maulana there were further difficulties. He could be elected under the then rules by some Provincial Legislative Assembly by the Muslim members alone of that Assembly giving their votes under the system of proportional representation by single transferable vote. If the Muslims alone had to vote, there was no chance of the Maulana being returned from any one of the Provincial Legislative Assemblies. Mr. Kidwai could be elected because at the time of original election there were a number of places to be filled and Muslim votes were divided and one member of the Congress was able to secure the quota of votes required for being returned. In December 1947 there was only one vacancy of Muslim seat from U.P. caused by the resignation of the Raja of Mahmudabad, and a possible vacancy by the possible resignation of Chaudhri Khaliquzzaman. There was no chance for the Maulana, therefore, from the U.P. Vacancies, therefore, had to be found for Maulana and the other ministers or they would cease to be ministers on the 15th February 1948. There was a suggestion that the rules be amended so that the elections could be held by the Assembly as a whole and not by only the Muslim members constituting a separate electorate. That was in accordance with the decision of the Constituent Assembly but the rules could be amended by a session of the Constituent Assembly. As the Constituent Assembly was functioning as Central Legislature, it was not possible to call a meeting of the Constituent Assembly in the middle of January.

On 11th January 1948, Dr. Prasad informed the Prime Minister that during his visit to Burma, he had met a representative of the Viet Nam Government. The Viet Nam Government had requested India to raise the Viet Nam question in the U.N.O. but no reply had been received from India. 90 per cent of the country was under the control of the Viet Nam Government, only the ports and some other cities were under French control. Viet Nam had surplus rice of at least 1 lakh tons which could be exported if they had access to the ports. The Government of India could further help Viet Nam by stopping passage of French planes and facilities of refuelling in India as the French planes were carrying the military personnel and equipment. India had denied refuelling facilities to the Dutch; the Viet Nam Government felt the same should be done to the French.

96. *A Report on the West Bengal Cabinet*

STRICTLY CONFIDENTIAL

(For members of the Congress Assembly Party only)

THE INSIDE STORY OF THE WEST BENGAL CABINET CRISIS

By One Who Knows

To be able to fully appreciate the import of the move initiated by a majority of the Congress Assembly Party members in demanding a reconstitution of the

present Ministry under the leadership of Sri Surendra Mohan Ghose, a short review of events up-to-date beginning with the formation of Dr. Roy's Ministry is necessary. These Party members fully realise that such frequent changes in Government is extremely undesirable, and the fact that they should nevertheless have taken resort to such drastic action merely testifies to the fact that they felt and felt strongly that, consistent with their duty to the Congress and the Province, no other alternative course was open to them. All efforts were made to persuade Dr. Roy to follow a policy which a majority of Party members desire and consider essential both in the interest of the Congress and the Province, and it is only when all these attempts proved abortive that the present move was forced upon them. There have been major differences of opinion between Dr. Roy and a majority of Party members both in respect of policy and administrative acts. The important among these, and particularly bearing on matters of policy, are detailed below:

1. The main reason why Dr. Ghosh's Ministry became unpopular with the Party was that Dr. Ghosh did not consult or take Party members into confidence in many matters which could not be treated as strictly confidential even in the interest of the state. These dissatisfied members approached through their leaders in the Assembly to find out if Dr. B.C. Roy will be willing to assume the leadership of the Party in place of Dr. Ghosh and, if so, whether he would agree to abide by certain general principles regarding the constitution of, and the policy to be pursued by, his Ministry.

To ask beforehand a person who was to be elected leader whether he would agree to adhere to certain principles was rather an extraordinary procedure. But this was considered necessary as members had considerable misgivings about the way Dr. Roy might act after his election as Leader. These misgivings were mainly in regard to:

- (a) his predilection in favour of the non-Bengali community;
- (b) possible inclusion by him in his Cabinet of persons who were not genuinely and sincerely Congressmen;
- (c) his lack of touch with the Congress in Bengal and therefore the possibility of conflict between the Government and the Congress organisation in the Province.

With a view to remove these misgivings discussion took place on quite a few occasions between Dr. Roy on the one hand and Sri Amar Krishna Ghose representing the B.P.C.C. section and Sri D.N. Mukherjee representing the Hooghly section on the other. Sri Kiran Sankar Roy took active part in these discussions. In course of one of these discussions Dr. Roy had suggested for inclusion in the Ministry the name of Mr. H.N. Roy Choudhury, an outsider, and of the Maharajadhiraj Bahadur of Burdwan who is an independent sitting member of the Assembly; but this was strongly opposed by Sri Amar Krishna Ghose and Sri D.N. Mukherjee and Mr. Roy did not pursue with those names

further. It was also pointed out to Dr. Roy during these discussions that no seats could possibly be found for such outsiders as Dr. Roy would like to have included in his Cabinet, as existing members would not be willing to resign in favour of such candidates, while in respect of vacancies that were caused as a result of the partition of the Province and had still to be filled up it had been tactfully agreed to and taken for granted that sitting members would be given Congress nomination unless the B.P.C.C. felt strongly disinclined to do so in any particular case. It was therefore agreed that no outsiders would be included in the Cabinet except where any section of the Congress Assembly Party wanted the inclusion of one of its nominees as in the case of Sri Prafulla Chandra Sen, but in such a case it was unanimously decided that the particular section with which he was associated would be wholly responsible for finding a seat for him. All these discussions took place at different times and finally the main points were reduced to writing. One copy was given to Sri Amar Krishna Ghose and one to Sri D.N. Mukherjee. Mr. Mukherjee read it out to Dr. Roy who agreed that the discussed points had been correctly set forth and which he accepted.

These points were:

- (a) The Cabinet should be enlarged and reshuffled enabling one Minister to be in charge of one single portfolio.
- (b) There should be one Parliamentary Secretary for each Minister.
- (c) The Ministry should be broad-based and consist of the best possible team available.
- (d) The Ministry must be formed among the members of the Assembly only unless it is absolutely essential in the interest of good work to have any from outside provided that a seat is made vacant by the section which he will represent.
- (e) The provincial Congress organisation may not be consulted in day-to-day administration but on fundamental issues the provincial organisation should be consulted. The Ministry should maintain direct relationship with the District Congress Committees in the matter of various ameliorating works that are to be undertaken in the district.

The large majority of the members of the Congress Assembly Party which was dissatisfied with Dr. Ghosh's leadership elected Dr. B.C. Roy as the Leader of the Party on the basis of agreement referred to above. After Dr. Roy's election as Leader and on his return from Delhi he told Sri Amar Krishna Ghose for the first time on 20-1-1948 that he intended to include the following outsiders in his Cabinet:

- (a) Sri H.N. Roy Choudhury
- (b) Sri N.R. Sarkar
- (c) Sri C.C. Biswas
- (d) Capt. N.N. Dutt
- (e) Sri Prabhudayal Himatsingka.

Sri Amar Krishna Ghose strongly objected to the inclusion of these outsiders in the Cabinet and also pointed out that Party members would not favour their inclusion. After a long discussion and controversy for two days Dr. Roy said that he must have Messrs. H.N. Roy Choudhury, N.R. Sarkar and C.C. Biswas or he would resign his leadership if Messrs. H.N. Roy Choudhury and N.R. Sarkar were not to be included in his Cabinet. In this grave situation all the members who supported the election of Dr. Roy as Leader met together to decide their course of action which was presided over by Sri Amar Krishna Ghose. In this meeting it was decided that the members were on principle opposed to the inclusion of any outsider in the Cabinet except Sri Prafulla Chandra Sen, that if Dr. Roy insisted on the inclusion of any outsider, they might accept Mr. H.N. Roy Choudhury, but they were all opposed to the inclusion of Mr. N.R. Sarkar. But as they were not willing to break with Dr. Roy so soon after electing him as their Leader, they would leave the matter of the inclusion of Mr. Sarkar in the Cabinet to the discretion of Dr. Roy after he has been acquainted with their unanimous opinion in the matter. This was communicated to him by Sri A.K. Ghose.

2. The inclusion of outsiders and particularly of Mr. N.R. Sarkar under these circumstances caused considerable dissatisfaction and discontentment among many Party members. On 29th January 1948, Sri J.C. Gupta wrote a letter to Dr. Roy giving expression to such sentiment and forwarded certain proposals in general terms for the proper functioning of the Party. Reminders to his letter were sent by Sri J.C. Gupta to Dr. Roy on February 4 and February 12 and on February 16 he gave notice of the following resolutions he would like to move in a Party meeting:

- (i) The Congress Assembly Party is of opinion that before a new policy or any change of policy adopted by the previous Government is decided upon by the Ministry, there should be a discussion in the Congress Assembly Party and the opinion of the Party should be ascertained.
- (ii) The Congress Assembly Party is of opinion that non-Congress individuals should not be included in the Ministry which should consist of persons who have been in the past consistently loyal to the Congress causes and Congress ideals and fully associated with the Congress.
- (iii) No outsider, about whom the Party is not fully satisfied that a seat has been definitely available and found for him, should be included in the Ministry.
- (iv) The Congress Assembly Party is of opinion that having regard to the size and resources of the Province, there should be no further increase in the number of Ministers without the express consent of the Congress Assembly Party, and the Departments which have great inter-connection, should be in charge of a single Minister.
- (v) The Congress Assembly Party is of opinion that there should be a Standing Committee of the members for each Department with powers to co-opt and/or invite experts regarding matters under consideration and a provision to this effect should be incorporated in the constitution of the Party.

Although notice for holding a Party meeting was given by Sri J.C. Gupta on January 29th, no meeting of the Party has been held up till today to discuss the many important issues he had raised for discussion in a Party meeting.

3. The following members gave notice that the subjects noted against their names should be discussed at a Party meeting to be held at an early date. No Party meeting to discuss any of these subjects has yet been convened.

(a) SRI BIMAL COMAR GHOSE. Provision of Rs.50 lakhs in the Budget for improvement of transport facilities in Calcutta. Sri B.C. Ghose suggested that either the whole bus service should be nationalised or there should be no interference with private enterprises at this stage particularly in view of the policy initiated by Dr. Ghosh's Ministry for encouraging Bengalis of moderate means. Yet without any consultation with the Party and in spite of the fact that many Bengalis of moderate means had formed themselves into companies, incurred expenditure and raised share capital, Dr. Roy initiated an entirely new policy which will favour only some capitalist interests. Dr. Roy did not care for these middle class Bengalis, many of whom were political sufferers. On the contrary, Rs.50 lakhs were promised from out of Government exchequer to assist certain capitalists.

(b) SRI BIMAL COMAR GHOSE and SRI SHYAMAPADA BHATTACHARJI. The position of Cooch-Bihar vis-a-vis West Bengal as also the position of Jalpaiguri and Darjeeling.

(c) SRI ASHUTOSH MALLICK. General food position in the Province.

(d) SRI SATIS CHANDRA CHAKRAVARTY. The question of raising a volunteer corps for the protection of border regions. Without any consultation with the Party, Dr. Roy has however entrusted this vital work to a private organisation, which has already been paid Rs.50,000 from Government funds.

(e) SRI SHYAMAPADA BHATTACHARJI. Supersession of the Calcutta Corporation.

4. Although Dr. Roy was elected Leader towards the end of January last, he has not yet taken steps to form the Executive of the Party. The Party still continues to function without an Executive.

5. Party members came to know that Dr. Roy had written to the Congress President advising a dissolution of the Assembly in the event his policy or action does not find support in the Party. This advice was tendered without consulting the Party or even the Cabinet. Such high-handed action naturally caused great discontentment among Party members.

The above facts can have but one interpretation, viz., that Dr. Roy wanted to function without any consultation with, and even in defiance of, the Party. Attention has however been confined only to vital matters of policy in respect of which a major difference of opinion had emerged between Dr. Roy and a majority of the members of the Party. There are in addition many administrative acts of omission and commission, to which we refrain from referring at this stage. The situation was further worsened by the fact that Dr.

I. Statement by His Majesty's Government on 6th December 1946

(I. Statement issued by His Majesty's Government on 6th December 1946)

The conversations held by H.M.G. with Pandit Nehru, Mr. Jinnah, Mr. Liaquat Ali Khan and Sardar Baldev Singh came to an end this evening as Pandit Nehru and Sardar Baldev Singh are returning to India tomorrow morning.

The object of the conversations has been to obtain the participation and cooperation of all parties in the Constituent Assembly. It was not expected that any final settlement could be arrived at since the Indian representatives must consult their colleagues before any final decision is reached.

The main difficulty that has arisen has been over the interpretation of paragraph 19 (v) and (viii) of the Cabinet Mission's statement of May 16th relating to the meeting in Sections which run as follows:

Paragraph 19 (v). "These Sections shall proceed to settle Provincial Constitutions for the Provinces included in each Section and shall also decide whether any Group Constitution shall be set up for those Provinces and if so with what provincial subjects the group should deal. Provinces shall have power to opt out of Groups in accordance with provisions of sub-clause (viii) below."

Paragraph 19 (viii). "As soon as new constitutional arrangements have come into operation it shall be open to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the new Legislature of Province after first general election under new Constitution."

Cabinet Mission have throughout maintained the view that decisions of Sections should in the absence of agreement to the contrary be taken by simple majority vote of representatives in the Sections. This view has been accepted by Muslim League but Congress have put forward a different view. They have asserted that true meaning of statement read as a whole is that Provinces have a right to decide both as to grouping and as to their own Constitution.

H.M.G. have had legal advice which confirms that statement of May 16th means what Cabinet Mission have always stated was their intention. This part of statement as so interpreted must therefore be considered an essential part of the scheme of May 16th for enabling Indian people to formulate a new Constitution which H.M.G. would be prepared to submit to Parliament. It should therefore be accepted by all parties in Constituent Assembly.

It is however clear that other questions of interpretation of statement of May

16th may arise and H.M.G. hope that if Council of Muslim League are able to agree to participate in Constituent Assembly they will also agree, as have Congress, that Federal Court should be asked to decide matters of interpretation that may be referred to them by either side and will accept such decision so that procedure both in Union Constituent Assembly and Sections may accord with Cabinet Mission's plan. On matter immediately in dispute H.M.G. urge the Congress to accept view of Cabinet Mission in order that way may be open for Muslim League to reconsider their attitude. If in spite of this reaffirming of intention of Cabinet Mission the Constituent Assembly desires that this fundamental point should be referred for decision of Federal Court; such reference should be made at a very early date. It will then be reasonable that meetings of Sections of Constituent Assembly should be postponed until decision of Federal Court is known.

There has never been any prospect of success for Constituent Assembly except upon the basis of an agreed procedure. Should a Constitution come to be framed by a Constituent Assembly in which a large section of Indian population had not been represented H.M.G. could not of course contemplate—as Congress have stated they would not contemplate—forcing such a Constitution upon any unwilling parts of the country.

**(2. Resolution passed by the Standing Committee of the Chamber
of Princes on 29th January 1947)**

1. This meeting reiterates the willingness of the States to render the fullest possible cooperation in framing an agreed Constitution for, and in the setting up of, the proposed Union of India in accordance with the accepted plan; and declares

- (a) That the following fundamental propositions inter alia form the basis for the States' acceptance of the Cabinet Mission's plan:
 - (i) The entry of the States into the Union of India in accordance with the accepted plan shall be on no other basis than that of negotiation, and the final decision shall rest with each State. The proposed Union shall comprise, so far as the States are concerned, the territories of only such States or Groups of States as may decide to join the Union, it being understood that their participation in the constitutional discussions in the meantime will imply no commitments in regard to their ultimate decision which can only be taken after consideration of the complete picture of the Constitution.
 - (ii) The States will retain all subjects and powers other than those ceded by them to the Union. Paramountcy will terminate at the close of the interim period and will not be transferred to or inherited by the new Government of India. All the rights surrendered by the States to the

Paramount Power will return to the States. The proposed Union of India will, therefore, exercise only such functions in relation to the States in regard to Union subjects as are assigned or delegated by them to the Union. Every State shall continue to retain its sovereignty and all rights and powers except to the extent that those rights and powers have been expressly delegated by it. There can be no question of any powers being vested or inherent or implied in the Union in respect of the States unless specifically agreed to by them.

- (iii) The Constitution of each State, its territorial integrity, and the succession of its reigning dynasty in accordance with the custom, law and usage of the State, shall not be interfered with by the Union or any unit thereof, nor shall the existing boundaries of a State be altered except by its free consent and approval.
- (iv) So far as the States are concerned, the Constituent Assembly is authorised only to settle the Union Constitution in accordance with the Cabinet Mission's plan, and is not authorised to deal with questions bearing on the internal administrations or Constitutions of individual States or Groups of States.
- (v) His Majesty's Government have made it clear in Parliament that it is for the States to decide freely to come in or not as they choose. Moreover, according to the Cabinet Mission's Memorandum of 12th May 1946 on States' Treaties and Paramountcy, "political arrangements between the States on the one side and the British Crown and British India on the other will be brought to an end" after the interim period. "The void will have to be filled either by the States entering into a federal relationship with the successor Government ... in British India, or, failing this, entering into particular political arrangements with it."
- (b) That the States Negotiating Committee, selected by the Standing Committee of the Chamber of Princes and set up at the request of His Excellency the Viceroy in accordance with paragraph 21 of the Cabinet Mission's statement of the 16th May 1946, is the only authoritative body competent under the Cabinet Mission's plan to conduct preliminary negotiations, on behalf of the States, on such questions relating to their position in the new Indian Constitutional structure as the States might entrust to it.
- (c) That while the distribution inter se of the States' quota of seats on the Constituent Assembly is a matter for the States to consider and decide among themselves, the method of selection of the States' representatives is a matter for consultation between the States Negotiating Committee and the corresponding Committee of the British India portion of the Constituent Assembly before final decision is taken by the States concerned.

2. This meeting

- (a) endorses the Press statement issued on 10th June 1946 by the Standing Committee of the Chamber of Princes in consultation with the Committee of

- Ministers and the Constitutional Advisory Committee, in regard to the attitude of the States towards the Cabinet Mission's plan; and
- (b) supports the official statement of the views communicated by the States' Delegation to the Cabinet Mission on 2nd April 1946 which inter alia associated the States with the general desire in the country for India's complete self-government or independence in accordance with the accepted plan.

3. This meeting resolves that, in accordance with this resolution and the instructions and resolutions of the States' Constitutional Advisory Committee as endorsed by the Standing Committee of Princes and the Committee of Ministers, the States Negotiating Committee be authorised to confer with the corresponding committee of the British India portion of the Constituent Assembly, as contemplated and declared by His Majesty's Government in Parliament, in order to negotiate (a) the terms of the States' participation in the Constituent Assembly when it reassembles under paragraph 19(6) of the Cabinet Mission's statement, and (b) in regard to their ultimate position in the all-India Union, provided that the results of these negotiations will be subject to the approval of the aforesaid States' Committees and ratification by the States.

(3. Resolution passed by the Working Committee of the All India Muslim League on 31st January 1947)

The Working Committee of the All India Muslim League have given careful consideration to the statement issued by His Majesty's Government on December 6, 1946, the resolution passed thereafter by the Congress Working Committee on December 22, 1946, and by the A.I.C.C. on January 6, 1947, the speeches delivered by responsible leaders of the Congress at the A.I.C.C. session referred to above, and the proceedings of the Constituent Assembly during its two sessions so far held; and record their views as follows:

By their statement of December 6, His Majesty's Government admitted that the interpretation which the Muslim League had always put on paragraph 19(5) and 19(8) of the Cabinet Mission's statement of May 16th was the correct one and accorded with the intention of the Cabinet Mission and His Majesty's Government. By that statement it was also proved that the Congress, on the other hand, had "put forward a different view" and, therefore, had not accepted what His Majesty's Government themselves described as "this fundamental point", namely, that decision in the Sections, including questions relating to the settling of the Constitutions of the Provinces included in each group, "should, in the absence of agreement to the contrary, be taken by a simple majority vote of the representatives in Sections". His Majesty's Government, furthermore, added that "this statement as so interpreted, must therefore be considered an essential

part of scheme of May 16 for enabling the Indian people to formulate a Constitution which His Majesty's Government would be prepared to submit to Parliament." Accordingly, in their statement of December 6, they urged the Congress to accept "this re-affirmation of the intention of the Cabinet Mission", or in the alternative to refer the point to the Federal Court at a very early date.

In their statement of December 6, His Majesty's Government also affirmed that the Congress had agreed that other questions of interpretation of the statement of May 16 which might arise might be referred by either side to the Federal Court whose decisions should be accepted, and, on the assumption that the Congress had agreed to this procedure, His Majesty's Government asked the Muslim League also to agree to it in order to ensure that "the procedure both in the Union Constituent Assembly and in the Sections may accord with the Cabinet Mission's plan".

Thirdly, His Majesty's Government, in the last paragraph of their statement of December 6, reiterated the fact that "there have never been any prospect of success for the Constituent Assembly except upon the basis of the agreed procedure", and they repeated the assurance: "Should the Constitution come to be framed by a Constituent Assembly in which a large section of the Indian population had not been represented, His Majesty's Government would not of course contemplate—as the Congress have stated they would not contemplate—forcing such a Constitution upon any unwilling parts of the country." The meaning and the application of this assurance were further clarified by Sir Stafford Cripps in his speech in the House of Commons on December 12, 1946, when he said, "But the Government also had to envisage the possibility in the clause in the final paragraph of the statement." This was perhaps a statement of the obvious—that if the Muslim League could not be persuaded to come into the Constituent Assembly, then parts of the country where they were in a majority could not be held to be bound by the results.

The situation created by the issue of this statement by His Majesty's Government was that the onus of taking the next step fell on the Congress and they were called upon:

- (1) to accept honestly and unequivocally the correct interpretation of paragraphs 19 (5) and 19 (8) of the Cabinet Mission's statement of May 16 which interpretation had been already accepted by the Muslim League, or to refer the point to the Federal Court;
- (2) to re-affirm that they accepted the procedure for the settling of other questions of interpretation that might arise, so that the decision should accord with the basic and fundamental principles of the scheme of May 16, 1946, namely, that either side could refer such questions to the Federal Court whose decisions would be binding on all concerned; and
- (3) to postpone the session of the Constituent Assembly which had been called for the 9th December 1946, pending settlement of the dispute over fundamental points of principle and procedure which had been brought to

the fore by the statement of December 6 and the correct interpretation of which the Congress had not accepted, as was made clear in that statement, there being no prospect of success for the Constituent Assembly without such agreement, particularly on the part of the Congress.

The Working Committee of the All India Muslim League regret to note that the Congress have reacted to the situation created by the statement of December 6 in a manner which shows that they are determined to adhere to their own views and interpretations of fundamental provisions in the Cabinet Mission's statement of May 16, which militate against clearly expressed intentions and interpretations of the authors of that statement as well as of His Majesty's Government as a whole and which destroy the very basis on which the constitutional plan set forth in that statement had been drawn up.

By their resolution of December 22, the Congress Working Committee rejected the suggestion that the point in dispute should be referred to the Federal Court if the Congress did not accept "this re-affirmation of the intention of the Cabinet Mission", and that Committee decided to convene a meeting of the All India Congress Committee for the purpose of giving a decision on the issue raised by the statement of December 6. The Working Committee of the Congress, however, in their resolution indulged in an attack on the British Government for their renewed interpretation and clarification, which had called the Congress bluff, and on the Muslim League for no other fault except that its stand had been at last vindicated.

The A.I.C.C. by its resolution passed on January 6, purported "to agree to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the Sections", about which there never was any doubt in the mind of any sane and honest person, but it immediately added the following qualifying clauses: "It must be clearly understood, however, that this must not involve any compulsion on a Province and that the rights of Sikhs in the Punjab should not be jeopardised. In the event of any attempt at such compulsion, a Province or part of a Province has the right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned. The future course of action will depend upon the developments that take place and the A.I.C.C. therefore directs the Working Committee to advise upon it, whenever circumstances so require, keeping in view the basic principle of provincial autonomy."

These qualifying clauses, in the considered opinion of the Working Committee of the All India Muslim League, confer the right of veto within the section on a "Province" and, what is more absurd, on "a part of Province", as well as on the Sikhs in the Punjab, and, therefore, they completely nullify the advice or the so-called "acceptance" by the Congress of the December 6 statement and this A.I.C.C. resolution is no more than a dishonest trick and jugglery of words by which the Congress has again attempted to deceive the British Government, the Muslim League, and public opinion in general.

The question at issue was a very simple one. What was required was a straight and honest answer and not these evasions, equivocations and camouflage from one of the two major contracting parties to the questions whether the Congress honestly and sincerely agreed to the proposals of May 16, as clarified by His Majesty's Government on December 6, 1946, and whether they were prepared to honourably abide by them and carry out the letter and spirit of the proposals which were put before the two major parties by the British Government, who were merely acting as mediators, as unfortunately the two major parties had failed to come to any agreement at Simla and the Conference at Simla had broken down.

Of the second point in H.M.G.'s statement of December 6, the procedure whereby either side could refer other questions of interpretation to the Federal Court, the resolution of the A.I.C.C. makes no mention, but the mover of the resolution, Pandit Jawaharlal Nehru, on being questioned on the second day of the A.I.C.C.'s deliberations as to whether the Congress had agreed to this procedure categorically answered in the negative and declared: "Apart from this, in view of the recent development and the statement of December 6, which produces a new situation, I am not prepared to admit for an instant that we have agreed to any future procedure about references. Whatever the future brings we shall have to consider it. I should like to make it perfectly clear that we are giving no assurance about any reference in regard to any other matters to the Federal Court. We are not going to commit ourselves at the present moment to any reference to the Federal Court or to any other authority. We shall decide—or the Constituent Assembly shall decide—as we think best in the circumstances."

With regard to the third point, namely, that "if a Constitution comes to be framed by a Constituent Assembly in which a large section of the Indian population had not been represented", such a Constitution would not be forced upon any "unwilling parts of the country", the A.I.C.C. resolution, in paragraph 3, completely distorts the meaning and application of this principle and makes this an excuse to instigate a section of the population of Assam, the North-West Frontier Province, the Sikhs, and even Baluchistan, to revolt against the decisions that might be taken by the relevant Sections sitting as a whole and by a simple majority vote. In the opinion of the Working Committee of the All India Muslim League the subsequent decision of the Assam Provincial Congress not to abide by the procedure laid down for Sections and its reiteration that "the Constitution for Assam shall be framed by her own representatives only" is a direct result of this instigation and is a step taken by Assam Congressmen in collusion with the all-India leaders of the Congress.

The Constituent Assembly met on December 9 and subsequent dates and thereafter on January 20 and subsequent dates, and has already taken decisions of vital character so far as it is known to the public; and as some of the sittings were held *in camera* it is very difficult to get correct information as to what other resolutions it has passed or what decisions it has already taken. It has passed a resolution known as the 'Independent Sovereign Republic Resolution' laying

down the objectives. It is not only a proclamation of India as an Independent Sovereign Republic but it lays down fundamentals of the Constitution as was admitted by Pandit Jawaharlal Nehru, the mover of the resolution. It is a very vital resolution. It lays down the essentials of the next Constitution: several things which are mentioned there are fundamentals of the Constitution. It speaks of a Republic, of 'Union', functions and powers vested in the 'Union' or as are inherent or implied in the Union and resulting therefrom, and talks of present boundaries, States and present authorities, the residuary powers, powers being derived from the people, minority rights and fundamental rights. These are undoubtedly fundamentals of the Constitution and they are beyond the limit of the powers and the terms of the Cabinet Mission's scheme of May 16, and the resolution is therefore illegal, ultra vires, and not competent to the Constituent Assembly to adopt.

Next, it has appointed several committees and has proceeded to elect the Advisory Committee, referred to in paragraph 20 of the statement of the Cabinet Mission and the Viceroy on the rights of citizens, minorities, tribal and excluded areas. Further it has appointed a Steering Committee and various other committees and as some of the decisions have been taken *in camera*, it is very difficult to say what resolutions it has passed or decisions it has taken. It has also passed the 'Rules of Procedure' and assumed control of Sections by means of these rules for which there is no warrant or justification, particularly Rule 63 which runs as follows:

63. (1) The Assembly shall, before finally settling the Union Constitutions, give an opportunity to the several Provinces and States through their legislatures to formulate, within such time as it may fix, their views upon the resolutions of the Assembly outlining the main features of the Constitution or, if the Assembly so decides, upon the preliminary draft of the Constitution.

(2) Before the Constitution of any Province is finally settled or the decision to set up a Group Constitution for the Section in which the Province is included is finally taken, an opportunity shall be given to the Province concerned through its legislature to formulate, within such time as may be fixed for the purpose, its views (A) upon the resolution outlining the main features of the Constitution or, if the majority of representatives of the Province in the Assembly so desire, upon the preliminary draft of such Constitution, and (B) upon preliminary decision of the Section concerned as to whether a Group Constitution shall be set up for the Provinces included in the Section and, if so, with what provincial subject the Group should deal.

And, lastly, it has appointed a Committee to define the scope of the Union subjects whereas the position was made quite clear immediately after the statement of May 16 was issued by the Secretary of State for India in his broadcast

and by Sir Stafford Cripps at his Press Conference where he read out an explanatory statement. Both of them stated in the clearest possible terms to the time and manner in which the Group Constitutions were to be framed by the Sections concerned before the Union Constitution was taken up. The Secretary of State said: "After a preliminary meeting in common, these representatives of the Provinces will divide themselves up into three Sections. These Sections will decide upon provincial and Group matters. Subsequently they will reunite to decide upon the Constitution for the Union." Sir Stafford Cripps at his Press Conference said: "So the three Sections will formulate the Provincial and Group Constitutions and when that is done they work together with the States' representatives to make the Union Constitution. That is the final phase." And the Union is strictly confined to three subjects.

It is clear from the above that the Constituent Assembly in which only the Congress Party is represented has taken decision on principles and procedure some of which exceed the limitations imposed by the statement of May 16 on the Constituent Assembly's functions and powers at the preliminary stage and which further impinge upon the powers and functions of the Sections. By taking these decisions in the Constituent Assembly and by appointing a packed committee consisting of individuals chosen by the Congress, the Congress has already converted that truncated Assembly into a rump and something totally different from what the Cabinet Mission's statement had provided for.

In view of these facts and circumstances the Working Committee of the All India Muslim League are definitely of the opinion that the Congress, by rejecting this final appeal of His Majesty's Government to accept the correct interpretation of fundamental procedure of the Cabinet Mission's statement of May 16, and by having already, by the resolution and decisions taken in two sessions, converted the Constituent Assembly into a body of its own conception, has destroyed all fundamentals of the statement of May 16 and every possibility of compromise on the basis of the Cabinet Mission's constitutional plan. The Working Committee accordingly call upon His Majesty's Government to declare that the constitutional plan formulated by the Cabinet Mission, as announced on May 16, has failed because the Congress, after all these months of efforts, have not accepted the statement of May 16, 1946, nor have the Sikhs, nor the Scheduled Castes.

The proposals of May 16 could only be given effect to and carried out if the two major parties agreed to accept them. The Congress had not and have not accepted and do not accept them, although the Muslim League had accepted by their resolution the statement of May 16, 1946, as far back as June 6, 1946. But in view of the fact that the Congress refused to accept the proposals in toto and unequivocally, the Muslim League had to withdraw its acceptance on July 29, 1946.

The Working Committee of the All India Muslim League are therefore emphatically of the opinion that the elections to, and thereafter the summoning of, the Constituent Assembly, in spite of strong protests and most emphatic

objections on the part of the Muslim League, was ab initio void, invalid and illegal as not only the major parties had not accepted the statement, but even the Sikhs and the Scheduled Castes had also not done so: and that the Constitution of the Constituent Assembly and its proceedings and decisions are ultra vires, invalid and illegal and it should be forthwith dissolved.

In view of these facts and circumstances the Working Committee are clearly of opinion that as the Congress, as a major contracting party, has not accepted the statement of May 16, as clarified by H.M.G.'s statement of December 6, no useful purpose will be served [by] summoning a meeting of the Council of the All India Muslim League to reconsider its decision of July 29, 1946, whereby it has withdrawn the acceptance of the Cabinet Mission's plan of May 16, 1946.

II. Statement by His Majesty's Government on 20th February 1947

(1. Statements made by the Prime Minister in the House of Commons on 20th February 1947)

1. INDIAN POLICY

1. It has long been the policy of successive British Governments to work towards the realisation of self-government in India. In pursuance of this policy, an increasing measure of responsibility has been devolved on Indians, and today the civil administration and the Indian Armed Forces rely to a very large extent on Indian civilians and officers. In the constitutional field, the Acts of 1919 and 1935 passed by the British Parliament each represented a substantial transfer of political power. In 1940 the Coalition Government recognised the principle that Indians should themselves frame a new Constitution for a fully autonomous India, and in the offer of 1942 they invited them to set up a Constituent Assembly for this purpose as soon as the war was over.

2. His Majesty's Government believe this policy to have been right and in accordance with sound democratic principles. Since they came into office they have done their utmost to carry it forward to its fulfilment. The declaration of the Prime Minister of 15th March last, which met with general approval in Parliament and the country, made it clear that it was for the Indian people themselves to choose their future status and Constitution and that in the opinion of His Majesty's Government the time had come for responsibility for the government of India to pass into Indian hands.

3. The Cabinet Mission which was sent to India last year spent over three months in consultation with Indian leaders in order to help them to agree upon a method for determining the future Constitution of India, so that the transfer of power might be smoothly and rapidly effected. It was only when it seemed clear

that without some initiative from the Cabinet Mission agreement was unlikely to be reached that they put forward the proposals themselves.

4. These proposals, made public in May last, envisaged that the future Constitution of India should be settled by a Constituent Assembly composed, in the manner suggested therein, of representatives of all communities and interests in British India and of the Indian States.

5. Since the return of the Mission, an Interim Government has been set up at the Centre, composed of the political leaders of the major communities, exercising wide powers within the existing Constitution. In all the Provinces Indian Governments responsible to Legislatures are in office.

6. It is with great regret that His Majesty's Government find that there are still differences among Indian parties which are preventing the Constituent Assembly from functioning as it was intended that it should. It is of the essence of the plan that the Assembly should be fully representative.

7. His Majesty's Government desire to hand over their responsibility to authorities established by a Constitution approved by all parties in India in accordance with the Cabinet Mission's plan. But unfortunately there is at present no clear prospect that such a Constitution and such authorities will emerge. The present state of uncertainty is fraught with danger and cannot be indefinitely prolonged. His Majesty's Government wish to make it clear that it is their definite intention to take necessary steps to effect the transference of power to responsible Indian hands by a date not later than June 1948.

8. This great subcontinent now containing over four hundred million people has for the last century enjoyed peace and security as a part of the British Commonwealth and Empire. Continued peace and security are more than ever necessary today if the full possibilities of economic development are to be realised and a higher standard of life attained by the Indian people.

9. His Majesty's Government are anxious to hand over their responsibilities to a Government which, resting on the sure foundation of the support of the people, is capable of maintaining peace and administering India with justice and efficiency. It is therefore essential that all parties should sink their differences in order that they may be ready to shoulder the great responsibilities which will come upon them next year.

10. After months of hard work by the Cabinet Mission a great measure of agreement was obtained as to the method by which a Constitution should be worked out. This was embodied in their statements of May last. His Majesty's Government there agreed to recommend to Parliament a Constitution worked out in accordance with the proposals made therein by a fully representative Constituent Assembly. But if it should appear that such a Constitution will not have been worked out by a fully representative Assembly before the time mentioned in paragraph 7, His Majesty's Government will have to consider to whom the powers of the Central Government in British India should be handed over, on due date, whether as a whole to some form of Central Government for British India, or in some area to the existing Provincial Governments, or in such

other way as may seem most reasonable and in the best interests of the Indian people.

11. Although the final transfer of authority may not take place until June 1948, preparatory measures must be put in hand in advance. It is important that the efficiency of the civil administration should be maintained and that the defence of India should be fully provided for. But inevitably, as the process of transfer proceeds, it will become progressively more difficult to carry out to the letter all the provisions of the Government of India Act, 1935. Legislation will be introduced in due course to give effect to the final transfer of power.

12. In regard to the Indian States, as was explicitly stated by the Cabinet Mission, His Majesty's Government do not intend to hand over their powers and obligations under paramountcy to any Government of British India. It is not intended to bring paramountcy, as a system, to a conclusion earlier than the date of the final transfer of power. But it is contemplated that for the intervening period the relations of the Crown with individual States may be adjusted by agreement.

13. His Majesty's Government will negotiate agreements in regard to matters arising out of the transfer of power with the representatives of those to whom they propose to transfer power.

14. His Majesty's Government believe that British commercial and industrial interests in India can look forward to a fair field for their enterprise under the new conditions. The commercial connection between India and the United Kingdom has been long and friendly and will continue to be to their mutual advantage.

15. His Majesty's Government cannot conclude this statement without expressing on behalf of the people of this country their goodwill and good wishes towards the people of India as they go forward to this final stage in their achievement of self-government. It will be the wish of everyone in these islands that notwithstanding constitutional changes, the association of the British and Indian peoples should not be brought to an end; and they will wish to continue to do all that is in their power to further the well-being of India.

II. CHANGE OF VICEROY

The House will wish to know of an announcement which is being made public today. Field Marshal the Right Honourable Viscount Wavell was appointed Viceroy in 1943, after having held high military command in the Middle East, South-East Asia and India with notable distinction since the beginning of the war. It was agreed that this should be a war-time appointment. Lord Wavell has discharged this high office during this very difficult period with devotion and a high sense of duty. It has, however, seemed that the opening of a new and final phase in India is an appropriate time to terminate this war appointment. His Majesty has been pleased to approve, as successor to Lord Wavell, the appointment of Admiral the Viscount Mountbatten, who will be entrusted with

the task of transferring to Indian hands responsibility for the government of British India in a manner that will best ensure the future happiness and prosperity of India. The change of office will take place during March. The House will be glad to hear that His Majesty has been pleased to approve the conferment of an Earldom on Viscount Wavell.

(2. Statement made by the Honourable Pandit Jawaharlal Nehru
on 22nd February 1947)

The statement made by Prime Minister Mr. Clement Attlee in the House of Commons on February 20, in regard to Indian policy, has received and is receiving the earnest attention of all those who are vitally interested in bringing the present transitional period to a satisfactory conclusion.

The statement is obscure in some places and requires careful consideration. The outstanding feature of it, however, is the decision of the British Government to transfer power to Indian hands not later than June 1948. It has further been stated that preparatory measures must be put in hand in advance. This is important, as only thus can be secured a rapid and effective transference of power within this period.

My colleagues and I are giving the fullest thought to this statement, and early next month the Congress Working Committee will meet and give its considered views on the new situation that has arisen.

I should like to say, however, even at this stage that the decision of the British Government is a wise and courageous one. The clear and definite declaration that the final transference of power will take place by a date not later than June 1948 not only removes all misconception and suspicion, but also brings reality and a certain dynamic quality to the present situation in India. That decision will undoubtedly have far-reaching consequences and puts a burden and responsibility on all concerned.

It is a challenge to all of us and we shall try to meet it bravely in the spirit of that challenge. I trust that we shall all endeavour to get out of the ruts and end the internal conflicts that have frustrated our efforts and delayed our advance and accept this burden and responsibility keeping only the independence and advancement of India in view.

The work of the Constituent Assembly must now be carried on with greater speed so that the new and independent India may take shape and be clothed with a Constitution worthy of her and bringing relief and opportunity to all her children. In this great work we invite afresh all those who have kept aloof and we ask all to be partners in this joint and historic undertaking casting aside fear and suspicion, which will become a great people on the eve of freedom.

The Constituent Assembly, however constituted, can only proceed with its work on a voluntary basis. There can be no compulsion, except the compulsion of events, which none can ignore. The moment British rule goes, the responsibility for the governance of India must inevitably rest on her people and

their representatives alone. They will have to shoulder that responsibility. Why then should we not accept this responsibility now and work together to find integrated solutions of our problems? No external authority is going to help or hinder us in future.

The British Government on behalf of their people have expressed their goodwill and good wishes to the people of India. We have had a long past of conflict and ill-will. But we earnestly hope that this past is over. We look forward to a peaceful and cooperative transition and to the establishment of close and friendly relations with the British people for the mutual advantage of both countries and for the advancement of the cause of peace and freedom all over the world.

(3. Resolutions passed by the Working Committee of the All India Congress Committee on March 8, 1947)

I. The Working Committee welcome the declaration made on behalf of the British Government of their definite intention to transfer power finally by a date not later than June 1948, and to take steps to that end in advance.

The transfer of power, in order to be smooth, should be preceded by recognition in practice of the Interim Government as a Dominion Government with effective control over the Services and Administration and the Viceroy and Governor-General functioning as the constitutional head of the Government. The Central Government must necessarily function as a Cabinet with full authority and responsibility. Any other arrangement is incompatible with good government and is peculiarly dangerous during a transitional period full of political and economic crisis.

The Congress has already expressed its acceptance of the British Cabinet Mission's scheme of May 16, 1946, and has further accepted the interpretations put upon it by the British Cabinet on December 6, 1946. In accordance therewith, the Constituent Assembly has been functioning and has appointed various committees to carry on its work. It has become all the more essential now to expedite this work so that the Constitution for an Indian Union and its constituent units should be finally prepared and given effect to well within the stated period to facilitate the final transfer of power.

The Working Committee welcome the decision of a number of States to join the Constituent Assembly and trust that all the States and their peoples will be effectively represented in this task of making a Constitution for an Indian Union. The Committee invite afresh the representatives of the Muslim League, who have been elected to the Constituent Assembly, to join in this historic undertaking.

The work of the Constituent Assembly is essentially voluntary. The Working Committee have frequently stated that there can or should be no compulsion in the making of a Constitution for India. It is the fear of compulsion or coercion that has given rise to distrust and suspicion and conflict. If this fear goes, as it must, it will be easy to determine India's future so as to safeguard the rights of all

communities and give equal opportunities to all. It has been made clear that the Constitution framed by the Constituent Assembly will apply only to those areas which accept it. It must also be understood that any Province or part of a Province which accepts the Constitution and desires to join the Union cannot be prevented from doing so. Thus there must be no compulsion either way, and the people will themselves decide their future. This peaceful and cooperative method is the only way to make democratic decisions with the maximum of consent.

In this hour when final decisions have to be taken, and the future of India has to be shaped by Indian minds and hands, the Working Committee earnestly call upon all parties and groups, and all Indians generally, to discard violent and coercive methods, and cooperate peacefully and democratically in the making of a Constitution. The time for decision has come and no one can stop it or stand by and remain unaffected. The end of an era is at hand and a new age will soon begin. Let this dawn of the new age be ushered in bravely, leaving hates and discords in the dead past.

Inviting the Muslim League to meet representatives of the Congress, the resolution says:

In view of new developments which are leading to a swift transfer of power in India, it has become incumbent on the people of India to prepare themselves jointly and cooperatively for this change, so that this may be effected peacefully and to the advantage of all. The Working Committee, therefore, invite the All India Muslim League to nominate representatives to meet representatives of the Congress in order to consider the situation that has arisen and to devise means to meet it.

The Working Committee will keep in close touch with the representatives of the Sikhs and other groups concerned with a view to co-operating with them in the steps that may have to be taken and in safeguarding their interests.

II. During the past seven months India has witnessed many horrors and tragedies which have been enacted in the attempt to gain political ends by brutal violence, murder and coercion. These attempts have failed as all such attempts must fail, and have only led to greater violence and carnage.

The Punjab, which had thus far escaped this contagion, became six weeks ago the scene of an agitation, supported by some people in high authority, to coerce and break a popular Ministry which could not be attacked by constitutional methods. A measure of success attended this, and an attempt was made to form a Ministry dominated by the group that had led the agitation. This was bitterly resented and had resulted in increased and widespread violence. There has been an orgy of murder and arson and Amritsar and Multan have been scenes of horror and devastation.

These tragic events have demonstrated that there can be no settlement of the problem in the Punjab by violence and coercion. Therefore it is necessary to find

a way out which involves the least amount of compulsion. This would necessitate a division of the Punjab into two Provinces, so that the predominantly Muslim part may be separated from the predominantly non-Muslim part.

The Working Committee commend this solution which should work to the advantage of the communities concerned and lessened friction and fear and suspicion of each other. The Committee earnestly appeal to the people of the Punjab to put an end to the killing and brutality that are going on, and to face the tragic situation, determined to find a solution which does not involve compulsion of any major group and which will effectively remove the causes of friction.

(4. Correspondence between the General Secretary, All India Muslim League, and the General Secretary, All India Congress Committee)

- (1) FROM SANKARRAO DEO, GENERAL SECRETARY OF THE INDIAN NATIONAL CONGRESS, TO LIAQUAT ALI KHAN, GENERAL SECRETARY OF THE ALL INDIA MUSLIM LEAGUE, DATED NEW DELHI, MARCH 9, 1947:

I have pleasure in sending you herewith copies of three resolutions passed by the Working Committee at Delhi yesterday. I would like to draw your particular attention to Resolution No. 2 wherein an invitation has been issued to the Muslim League to send their representatives to meet representatives of the Congress. I shall be grateful if you could let me have an early reply, so that further steps might be taken in this matter.

- (2) FROM LIAQUAT ALI KHAN, HONORARY SECRETARY, ALL INDIA MUSLIM LEAGUE, TO SANKARRAO DEO, GENERAL SECRETARY, ALL INDIA CONGRESS COMMITTEE, DATED MARCH 13, 1947:

This is to acknowledge the receipt of your letter dated March 9, which I shall place before the next meeting of the Working Committee of the All India Muslim League for their consideration.

- (3) FROM SANKARRAO DEO, GENERAL SECRETARY, INDIAN NATIONAL CONGRESS, TO LIAQUAT ALI KHAN, GENERAL SECRETARY, ALL INDIA MUSLIM LEAGUE, NEW DELHI, APRIL 11, 1947:

May I draw your attention to your letter dated March 13, 1947, and request you to let me know when the next meeting of the Working Committee of the All India Muslim League is likely to be held, as it is necessary for us to know at an early date whether your organisation is willing to send their representatives to meet representatives of the Congress. I would be obliged if you expedite your decision in the matter.

(4) FROM LIAQUAT ALI KHAN, HONORARY GENERAL SECRETARY, ALL INDIA MUSLIM LEAGUE, TO SANKARRAO DEO, SECRETARY, ALL INDIA CONGRESS COMMITTEE, DATED APRIL 14, 1947:

With reference to your letter of April 11, 1947, I am to inform you that no date for the next meeting of the Working Committee of the All India Muslim League has been fixed as yet. In view of the discussions which are now in progress between the Viceroy and the Indian leaders, it is not likely that a meeting of the Working Committee will be called until a definite stage in the talks has been reached.

III. *Statement by His Majesty's Government on 3rd June 1947*

(1. Statement by His Majesty's Government on June 3, 1947)

INTRODUCTION

1. On February 20th, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June 1948. His Majesty's Government had hoped that it would be possible for the major parties to cooperate in the working out of the Cabinet Mission's Plan of May 1946, and evolve for India a Constitution acceptable to all concerned. This hope has not been fulfilled.

2. The majority of the representatives of the Provinces of Madras, Bombay, the United Provinces, Bihar, Central Provinces and Berar, Assam, Orissa and the North-West Frontier Province, and the representatives of Delhi, Ajmer-Merwara and Coorg have already made progress in the task of evolving a new Constitution. On the other hand, the Muslim League Party, including in it a majority of the representatives of Bengal, the Punjab and Sind, as also the representative of British Baluchistan, has decided not to participate in the Constituent Assembly.

3. It has always been the desire of His Majesty's Government that power should be transferred in accordance with the wishes of the Indian people themselves. This task would have been greatly facilitated if there had been agreement among the Indian political parties. In the absence of such agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has devolved upon His Majesty's Government. After full consultation with political leaders in India, His Majesty's Government have decided to adopt for this purpose the plan set out below. His Majesty's Government wish to make it clear that they have no intention of attempting to frame any ultimate Constitution for India; this is a matter for the Indians themselves. Nor is there anything in this plan to preclude negotiations between communities for a united India.

THE ISSUES TO BE DECIDED

4. It is not the intention of His Majesty's Government to interrupt the work of the existing Constituent Assembly. Now that provision is made for certain Provinces specified below, His Majesty's Government trust that, as a consequence of this announcement, the Muslim League representatives of those Provinces, a majority of whose representatives are already participating in it, will now take their due share in its labours. At the same time it is clear that any Constitution framed by this Assembly cannot apply to those parts of the country which are unwilling to accept it. His Majesty's Government are satisfied that the procedure outlined below embodies the best practical method of ascertaining the wishes of the people of such areas on the issue whether their Constitution is to be framed

- (a) in the existing Constituent Assembly; or
- (b) in a new and separate Constituent Assembly consisting of the representatives of those areas which decide not to participate in the existing Constituent Assembly.

When this has been done it will be possible to determine the authority or authorities to whom power should be transferred.

BENGAL AND THE PUNJAB

5. The Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European members) will, therefore, each be asked to meet in two parts, one representing the Muslim majority districts and the other the rest of the Province. For the purpose of determining the population of the districts, the 1941 census figures will be taken as authoritative. The Muslim majority districts in these two Provinces are set out in the Appendix to this Announcement.

6. The members of the two parts of each Legislative Assembly sitting separately will be empowered to vote whether or not the Province should be partitioned. If a simple majority of either part decides in favour of partition, division will take place and arrangements will be made accordingly.

7. Before the question as to the partition is decided, it is desirable that the representatives of each part should know in advance which Constituent Assembly the Province as a whole would join in the event of the two parts subsequently deciding to remain united. Therefore, if any member of either Legislative Assembly so demands, there shall be held a meeting of all members of the Legislative Assembly (other than Europeans) at which a decision will be taken on the issue as to which Constituent Assembly the Province as a whole would join if it were decided by the two parts to remain united.

8. In the event of partition being decided upon, each part of the Legislative Assembly will, on behalf of the areas they represent, decide which of the alternatives in paragraph 4 above to adopt.

9. For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of B ngal and the Punjab will sit in two parts according to Muslim majority districts (as laid down in the Appendix) and non-Muslim majority districts. This is only a preliminary step of a purely temporary nature as it is evident that for the purposes of a final partition of these Provinces a detailed investigation of boundary questions will be needed; and, as soon as a decision involving partition has been taken for either Province, a Boundary Commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal Boundary Commission. Until the report of a Boundary Commission has been put into effect, the provisional boundaries indicated in the Appendix will be used.

SIND

10. The Legislative Assembly of Sind (excluding the European members) will at a special meeting also take its own decision on the alternatives in paragraph 4 above.

NORTH-WEST FRONTIER PROVINCE

11. The position of the North-West Frontier Province is exceptional. Two of the three representatives of this Province are already participating in the existing Constituent Assembly. But it is clear, in view of its geographical situation, and other considerations, that if the whole or any part of the Punjab decides not to join the existing Constituent Assembly, it will be necessary to give the North-West Frontier Province an opportunity to reconsider its position. Accordingly, in such an event, a referendum will be made to the electors of the present Legislative Assembly in the North-West Frontier Province to choose which of the alternatives mentioned in paragraph 4 above they wish to adopt. The referendum will be held under the aegis of the Governor-General and in consultation with the Provincial Government.

BRITISH BALUCHISTAN

12. British Baluchistan has elected a member, but he has not taken his seat in the existing Constituent Assembly. In view of its geographical situation, this Province will also be given an opportunity to reconsider its position and to choose which of the alternatives in paragraph 4 above to adopt. His Excellency the Governor-General is examining how this can most appropriately be done.

ASSAM

13. Though Assam is predominantly a non-Muslim Province, the district of Sylhet which is contiguous to Bengal is predominantly Muslim. There has been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a referendum will be held in Sylhet district under the aegis of the Governor-General and in consultation with the Assam Provincial Government to decide whether the district of Sylhet should continue to form part of the Assam Province or should be amalgamated with the new Province of Eastern Bengal, if that Province agrees. If the referendum results in favour of amalgamation with Eastern Bengal, a Boundary Commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Muslim majority areas of Sylhet district and contiguous Muslim majority areas of adjoining districts, which will then be transferred to Eastern Bengal. The rest of the Assam Province will in any case continue to participate in the proceedings of the existing Constituent Assembly.

REPRESENTATION IN CONSTITUENT ASSEMBLIES

14. If it is decided that Bengal and the Punjab should be partitioned, it will be necessary to hold fresh elections to choose their representatives on the scale of one for every million of population according to the principle contained in the Cabinet Mission's Plan of May 16th, 1946. Similar elections will also have to be held for Sylhet in the event of it being decided that this district should form part of East Bengal. The number of representatives to which each area would be entitled is as follows:

Description of constituency	No. of members			
	General	Muslim	Sikh	Total
Sylhet district	1	2	Nil	3
West Bengal	15	4	Nil	19
East Bengal	12	29	Nil	41
West Punjab	3	12	2	17
East Punjab	6	4	2	12

15. In accordance with the mandates given to them, the representatives of the various areas will either join the existing Constituent Assembly or form the new Constituent Assembly.

ADMINISTRATIVE MATTERS

16. Negotiations will have to be initiated as soon as possible on the administrative consequences of any partition that may have been decided upon:

- (a) **Between the representatives of the respective successor authorities about all subjects now dealt with by the Central Government, including Defence, Finance and Communications.**
- (b) **Between different successor authorities and His Majesty's Government for treaties in regard to matters arising out of the transfer of power.**
- (c) **In the case of Provinces that may be partitioned, as to the administration of all provincial subjects such as the division of assets and liabilities, the police and other services, the High Courts, provincial institutions, etc.**

THE TRIBES OF THE NORTH-WEST FRONTIER

17. Agreement with tribes of the North-West Frontier of India will have to be negotiated by the appropriate successor authority.

THE STATES

18. His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy towards Indian States contained in the Cabinet Mission Memorandum of 12th May 1946 remains unchanged.

NECESSITY FOR SPEED

19. In order that the successor authorities may have time to prepare themselves to take over power, it is important that all the above processes should be completed as quickly as possible. To avoid delay, the different Provinces or parts of Provinces will proceed independently as far as practicable within the conditions of this Plan. The existing Constituent Assembly and the new Constituent Assembly (if formed) will proceed to frame Constitutions for their respective territories: they will of course be free to frame their own rules.

IMMEDIATE TRANSFER OF POWER

20. The major political parties have repeatedly emphasised their desire that there should be the earliest possible transfer of power in India. With this desire His Majesty's Government are in full sympathy, and they are willing to anticipate the date of June 1948 for the handing over of power by the setting up of an independent Indian Government or Governments at an even earlier date. Accordingly, as the most expeditious, and indeed the only practicable way of meeting this desire, His Majesty's Government propose to introduce legislation during the current session for the transfer of power this year on a Dominion Status basis to one or two successor authorities according to the decisions taken as a result of this announcement. This will be without prejudice to the right of the Indian Constituent Assemblies to decide in due course whether or not the part of India in respect of which they have authority will remain within the British Commonwealth.

FURTHER ANNOUNCEMENTS BY GOVERNOR-GENERAL

21. His Excellency the Governor-General will from time to time make such further announcements as may be necessary in regard to procedure or any other matters for carrying out the above arrangements.

APPENDIX

The Muslim majority districts of Punjab and Bengal according to 1941 census

1. The Punjab:

Lahore Division: Gujranwala, Gurdaspur, Lahore, Sheikhupura, Sialkot.

Rawalpindi Division: Attock, Gujrat, Jhelum, Mianwali, Rawalpindi, Shahpur.

Multan Division: Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan, Muzaffargarh.

2. Bengal:

Chittagong Division: Chittagong, Noakhali, Tippera.

Dacca Division: Bakerganj, Dacca, Faridpur, Mymensingh.

Presidency Division: Jessore, Murshidabad, Nadia.

Rajshahi Division: Bogra, Dinajpur, Malda, Pabna, Rajshahi, Rangpur.

(2. Messages broadcast from the A.I.R., Delhi, on June 3, 1947, by the Viceroy, Pandit Jawaharlal Nehru, Mr. M.A. Jinnah and Sardar Baldev Singh)

THE VICEROY

A statement will be read to you tonight giving the final decision of His Majesty's Government as to the method by which power will be transferred from British to Indian hands. But before this happens, I want to give a personal message to the people of India, as well as a short account of the discussions which I have held with the leaders of the political parties and which have led up to the advice I tendered to His Majesty's Government during my recent visit to London.

Since my arrival in India at the end of March I have spent almost every day in consultation with as many of the leaders and representatives of as many communities and interests as possible. I wish to say how grateful I am for all the information and helpful advice they have given me.

Nothing I have seen or heard in the past few weeks has shaken my firm opinion that with a reasonable measure of goodwill between the communities a unified India would be by far the best solution of the problem.

For more than a hundred years 400 millions of you have lived together and this country has been administered as a single entity. This has resulted in unified communications, defence, postal services and currency; an absence of tariffs and customs barriers; and the basis for an integrated political economy. My great

hope was that communal differences would not destroy all this.

My first course, in all my discussions, was therefore to urge the political leaders to accept unreservedly the Cabinet Mission plan of 16th May 1946. In my opinion, that plan provides the best arrangement that can be devised to meet the interests of all the communities of India. To my great regret it has been impossible to obtain agreement either on the Cabinet Mission plan, or on any other plan that would preserve the unity of India. But there can be no question of coercing any large areas in which one community has a majority, to live against their will under a Government in which another community has a majority. And the only alternative to coercion is partition.

But when the Muslim League demanded the partition of India, Congress used the same arguments for demanding in that event the partition of certain Provinces. To my mind this argument is unassailable. In fact neither side proved willing to leave a substantial area in which their community have a majority under the Government of the other. I am, of course, just as much opposed to the partition of Provinces as I am to the partition of India herself and for the same basic reasons.

For just as I feel there is an Indian consciousness which should transcend communal differences so I feel there is a Punjabi and Bengali consciousness which has evoked a loyalty to their Province.

And so I felt it was essential that the people of India themselves should decide this question of partition.

The procedure for enabling them to decide for themselves whether they want the British to hand over power to one or two Governments is set out in the statement which will be read to you. But there are one or two points on which I should like to add a note of explanation.

It was necessary in order to ascertain the will of the people of the Punjab, Bengal and part of Assam to lay down boundaries between the Muslim majority areas and the remaining areas, but I want to make it clear that the ultimate boundaries will be settled by a Boundary Commission and will almost certainly not be identical with those which have been provisionally adopted.

We have given careful consideration to the position of the Sikhs. This valiant community forms about an eighth of the population of the Punjab, but they are so distributed that any partition of this Province will inevitably divide them. All of us who have the good of Sikh community at heart are very sorry to think that the partition of the Punjab, which they themselves desire, cannot avoid splitting them to a greater or lesser extent. The exact degrees of the split will be left to the Boundary Commission on which they will of course be represented.

The whole plan may not be perfect; but like all plans, its success will depend on the spirit of goodwill with which it is carried out. I have always felt that once it was decided in what way to transfer power the transfer should take place at the earliest possible moment, but the dilemma was that if we waited until a constitutional set-up for all Indians was agreed, we should have to wait a long time, particularly if partition were decided on. Whereas if we handed over power

before the Constituent Assemblies had finished their work we should leave the country without a Constitution. The solution to this dilemma, which I put forward, is that His Majesty's Government should transfer power now to one or two Governments of British India each having Dominion Status as soon as the necessary arrangements can be made. This I hope will be within the next few months. I am glad to announce that His Majesty's Government have accepted this proposal and are already having legislation prepared for introduction in Parliament this session. As a result of these decisions the special function of the India Office will no longer have to be carried out, and some other machinery will be set up to conduct future relations between His Majesty's Government and India.

I wish to emphasise that this legislation will not impose any restriction on the power of India as a whole, or of the two States if there is partition, to decide in the future their relationship to each other and to other member states of the British Commonwealth.

Thus the way is now open to an arrangement by which power can be transferred many months earlier than the most optimistic of us thought possible and at the same time leave it to the people of British India to decide for themselves on their future, which is the declared policy of His Majesty's Government.

I have made no mention of the Indian States, since the new decisions of His Majesty's Government are concerned with the transfer of power in British India.

If the transfer of power is to be effected in a peaceful and orderly manner, every single one of us must bend all his efforts to the task. This is no time for bickering; much less for the continuation in any shape or form of the disorders and lawlessness of the past few months. . . . We cannot afford any toleration of violence. All of us are agreed on that.

Whichever way the decision of the Indian people may go, I feel sure any British officials or officers who may be asked to remain for a while will do everything in their power to help implement that decision. His Majesty as well as his Government have asked me to convey to all of you in India their sincere good wishes for your future and the assurance of their continued goodwill.

I have faith in the future of India and am proud to be with you all at this momentous time. May your decisions be wisely guided and may they be carried out in the peaceful and friendly spirit of the Gandhi-Jinnah appeal.

JAWAHARLAL NEHRU

Nearly nine months ago, soon after my assumption of office, I spoke to you from this place. I told you then that we were on the march and the goal had still to be reached. There were many difficulties and obstacles on the way and our journey's end might not be near, for that end was not the assumption of office in the Government of India but the achievement of the full independence of India and the establishment of a cooperative Commonwealth in which all will be equal

sharers in opportunity and in all things that give meaning and value to life.

Nine months have passed, months of sore trial and difficulty, of anxiety and sometimes even of heartbreak. Yet looking back at this period with its suffering and sorrow for our people there is much on the credit side also, for India has advanced nationally and internationally and is respected today in the counsels of the world. In the domestic sphere something substantial has been achieved though the burden on the common man still continues to be terribly heavy and millions lack food and cloth and other necessities of life. Many vast schemes of development are nearly ready and yet it is true that most of our dreams about the brave thing we were going to accomplish have still to be realised.

You know well the difficulties which the country has had to face, economic, political and communal. These months have been full of tragedy for millions and the burden on those who had the governance of the country in their hands has been great indeed.

My mind is heavy with the thought of the sufferings of our people in the areas of disturbance—the thousands who are dead and those, especially our womenfolk, who have suffered agony worse than death. To their families and to innumerable people who have been uprooted from their homes and rendered destitute, I offer my deep sympathy and assurance that we shall do all in our power to bring relief. We must see to it that such tragedies do not happen again.

At no time have we lost faith in the great destiny of India which takes shape even though with travail and suffering. My great regret has been that during this period, owing to excess of work, I have been unable to visit the numerous towns and villages of India, as I used to do, to meet my people and to learn about their troubles at first hand.

Today I am speaking to you on another historic occasion when a vital change affecting the future of India is proposed. You have just heard an announcement on behalf of the British Government. This announcement lays down a procedure for self-determination in certain areas of India. It envisages on the one hand the possibility of these areas seceding from India, on the other it promises a big advance towards complete independence. Such a big change must have the full concurrence of the people before effect can be given to it, for it must always be remembered that the future of India can only be decided by the people of India and not by any outside authority, however friendly. These proposals will be placed soon before representative assemblies of the people for consideration. But meanwhile the sands of time run out and decisions cannot await the normal course of events. So while we must necessarily abide by what the people finally decide, we had to come to certain decisions ourselves and to recommend them to the people for acceptance.

We have, therefore, decided to accept these proposals and to recommend to our larger committees that they do likewise.

It is with no joy in my heart that I commend these proposals to you though I have no doubt in my mind that this is the right course. For generations we have dreamt and struggled for a free and independent united India. The proposal to

allow certain parts to secede if they so will is painful for any of us to contemplate. Nevertheless I am convinced that our present decision is the right one even from the larger viewpoint. The united India that we have laboured for was not one of compulsion and coercion but a free and willing association of a free people. It may be that in this way we shall reach that united India sooner than otherwise and that she will have a stronger and more secure foundation.

We are little men serving great causes, but because the cause is great something of that greatness falls upon us also. Mighty forces are at work in the world today and in India, and I have no doubt that we are ushering in a period of greatness for India. The India of geography, of history and tradition, the India of our minds and hearts cannot change.

On this historic occasion each one of us must pray that he might be guided aright in the service of the motherland and of humanity at large. We stand on a watershed dividing the past from the future. Let us bury that past in so far as it is bad and forget all bitterness and recrimination. Let there be moderation in speech and writing. Let there be strength and perseverance in adhering to the cause and the ideals we have at heart. Let us face the future not with easy optimism or with any complacency or weakness but with confidence and a firm faith in India.

There has been violence, shameful, degrading and revolting violence, in various parts of the country. This must end. We are determined to end it. We must make it clear that political ends are not to be achieved by methods of violence, now or in the future.

On this the eve of great changes in India we have to make a fresh start with clear vision and a firm mind, with steadfastness and tolerance and a stout heart. We should not wish ill to anyone but think always of every Indian as our brother and comrade. The good of the four hundred millions of India must be our supreme objective.

We shall seek to build anew our relations with England on a friendly and cooperative basis forgetting the past which has lain so heavily upon us.

I should like to express on this occasion my deep appreciation of the labours of the Viceroy, Lord Mountbatten, ever since his arrival here at a critical juncture in our history.

Inevitably on every occasion of crisis and difficulty we think of our great leader Mahatma Gandhi, who has led us unfalteringly for over a generation through darkness and sorrow to the threshold of our freedom. To him we once again pay our homage. His blessing and wise counsel will happily be with us in the momentous years to come, as always.

With firm faith in our future I appeal to you to cooperate in the great task ahead and to march together to the heaven of freedom for all in India.

M.A. JINNAH

The statement of His Majesty's Government embodying the Plan for the transfer of power to the peoples of India has already been broadcast and will be

released to the Press to be published in India and abroad tomorrow morning. It gives the outlines of the Plan for us to give it our most earnest consideration. We have to examine it coolly, calmly and dispassionately. We must remember that we have to take momentous decisions and handle grave issues facing us in the solution of the complex political problem of this great subcontinent inhabited by 400 million people. The world has no parallel for the most onerous and difficult task which we have to perform.

Grave responsibility lies particularly on the shoulders of Indian leaders. Therefore we must galvanise and concentrate all our energy to see that the transfer of power is effected in a peaceful and orderly manner. I most earnestly appeal to every community and particularly to Muslim India to maintain peace and order. We must examine the Plan, its letter and spirit, and come to our conclusions and take our decisions. I pray to God that at this critical moment He may guide us and enable us to discharge our responsibilities in a wise and statesmanlike manner having regard to the sum-toto of the Plan as a whole.

It is clear that the Plan does not meet in some important respects our point of view; and we cannot say or feel that we are satisfied or that we agree with some of the matters dealt with by the Plan. It is for us now to consider whether the Plan as presented to us by His Majesty's Government should be accepted by us as a compromise or a settlement. On this point I do not wish to prejudge the decision of the Council of the All India Muslim League, which has been summoned to meet on Monday the 9th of June; and the final decision can only be taken by the Council according to our Constitution, precedents and practice. But so far as I have been able to gather, on the whole the reaction in the Muslim League circle in Delhi has been hopeful. Of course the Plan has got to be very carefully examined in its pros and cons before the final decision can be taken.

I must say that I feel that the Viceroy has battled against various forces very bravely and the impression that he has left on my mind is that he was actuated by a high sense of fairness and impartiality and it is up to us now to make his task less difficult and help him as far as it lies in our power in order that he may fulfil his mission of transfer of power to the peoples of India in a peaceful and orderly manner.

Now that the Plan that has been broadcast already makes it clear in paragraph 11 that a referendum will be made to the electorates of the present Legislative Assembly in the North-West Frontier Province who will choose which of the two alternatives in paragraph 4 they wish to adopt; and the referendum will be held under the aegis of the Governor-General in consultation with the Provincial Government. Hence it is clear that the verdict and the mandate of the people of the Frontier Province will be obtained as to whether they want to join Pakistan Constituent Assembly or the Hindustan Constituent Assembly. In these circumstances, I request the Provincial Muslim League of the Frontier Province to withdraw the movement of peaceful civil disobedience which they had perforce to resort to; and I call upon all the leaders of the Muslim League and Mussalmans generally to organise our people to face this referendum with hope

and courage and I feel confident that the people of the Frontier will give their verdict by a solid vote to join the Pakistan Constituent Assembly.

I cannot but express my appreciation of the sufferings and sacrifices made by all the classes of Mussalmans and particularly the great part the women of the Frontier played in the fight for our civil liberties. Without apportioning blame, and this is hardly the moment to do so, I deeply sympathise with all those who have suffered and those who died or whose properties were subjected to destruction and I fervently hope that Frontier will go through this referendum in a peaceful manner and it should be the anxiety of everyone to obtain a fair, free and true verdict of the people of the Frontier.

BALDEV SINGH

You have just heard the broadcasts of His Excellency the Viceroy and two of our distinguished countrymen, Pandit Jawaharlal Nehru and Mr. Jinnah.

You now also know the terms of the plan which His Majesty's Government have formulated to end the long drawn political deadlock that had baffled us these many months and years.

It is a great day today. The occasion is historic. We have closed a dreary chapter. A new leaf is now turned. We seem to see gleaming on it the fulfilment of what till yesterday was but a dream. Today we enter the heritage that was ours, the heritage of freedom we have claimed as our birthright.

It will be idle for me to pretend that the day is bright and joyous as indeed we might well have hoped it would be. It will be untrue if I say we are altogether happy. Seldom perhaps has a fulfilment like this been tarnished with so much of fear and sorrow. I say, seldom, because, even though we struggled and even though the struggle was long and heavy, our common quest for freedom need never have divided and torn us asunder one from another. This has actually taken place. The shadow of our differences has thrown its gloom over us. We have let ourselves be rent apart. We witness today—even on the day of our freedom—scenes of mutual conflict and all the horrors that conflict brings in so many parts of India. Neighbour has risen against neighbour. Thousands of innocent lives have been lost. Men, women and children roam from one place to another, homeless, without shelter. Untold losses, financial, cultural and spiritual, have been inflicted in wide areas. We look as if we are a house divided against itself. The day indeed finds us an unhappy people.

It is not necessary for me today to probe into the reasons for this affliction. We each have our faults. Let us own it. We each laid a price on what is priceless—the willing surrender of our best for the common good of us all. That is why we fell foul of one another.

But that was yesterday. Till yesterday, we were preoccupied with our little selves. The plan that has now been announced steers a course obviously above the conflicting claims. It is not a compromise. I prefer to call it a settlement. It does not please everybody, not the Sikh community anyway, but it is certainly

something worthwhile. Let us take it at that.

Taken in that spirit, this plan should halt the dismal gloom that stalks our dear Motherland in so many of its stricken spots today. In that spirit, we should find in it the many tasks that await us in every sphere of our national life—tasks that need doing not only to repair the damage we have inflicted on ourselves but to raise us in stature before the nations of the world.

We are poor. Let us not forget that we have no apology to let poverty continue to afflict our people, now that we shall be masters of our affairs. We have tasks, big and small, of reconstruction on our hands. Let us remember that it is only when the mind of our leaders is not deflected by internal quarrels that they can effectively handle these tasks for our common good. Our people have many needs that have lingered unmet for years. Let us settle down to meet these needs and relieve the distress that haunts us. In a word, whatever our own preferences let us grow above our petty outlooks and work together to put our country on the way to greatness that certainly belongs to it.

We do have to live as brothers or as neighbours. We all do want to live in peace and strive for a modicum of ease and comfort in our homes whether in villages or in towns. We have had enough of quarrels and trouble. Let us now turn from an ugly past and help one another build a great and glorious future.

This is my counsel to men and women of goodwill—Hindus, Muslims, Sikhs, Christians and others. For thousands of years our ancestors lived together in this land with tolerance and neighbourly relations. Let us restore the old glory of our traditions, in order, as I have said, that we may equip ourselves to face the bright future that has now opened. I believe with all my heart that the divisions that tend to keep us apart now will not last long. I believe also that even though we should choose to remain apart at present, we have so much in common—economically, geographically and even spiritually—that the very blueprint of our plans, so soon as we view it with care, will bind us together. We have to forget the unhappy past to see this with precision. Let us concentrate on our common interests.

I say this with all earnestness. I will add that while making this appeal, I am not unaware of the existence in our midst of those discordant elements who are inhuman enough to imagine that their prosperity lies in the misfortune of their fellow-men and women. Such people should be shunned. They will in fact soon meet their fate. As you must have heard, we have taken the strongest measures to enforce law and order and to apprehend the mischief-makers wherever we can lay our hands on them. During the last few weeks, large contingents of armed troops have been deployed in various parts of the country to aid the Civil Government. These troops consist of trusted men. They will give succour to those in need and act also as stern keepers of peace in trouble areas. I want you to look upon the soldier as your friend. He will not fail you.

And to you, Sailors, Soldiers and Airmen also, I must say a few words. You are obviously not uninfluenced by the great events that are taking place in India today. These include many political and administrative changes which will concern you.

As men seasoned in life by discipline and fortitude, you will undoubtedly not allow yourselves to be needlessly perturbed. Let me say with all the authority I can command that your interests will in no circumstances be allowed to suffer. You have earned a name for yourselves throughout the world by your valour and high tradition. India will not and cannot forget the debt it owes you. Some of you today are having to perform unpleasant duties on internal security work. No one is more conscious of it than I.

Our Motherland is passing through a period of transition and strain. Your patriotism and high sense of loyalty will help you to steer clear through these difficult times. Do not forget that India's honour is your honour. Serve India now in her hour of trial with good conscience and to the best of your ability and remain confident that we stand by you today as we have done in the past. The Commander-in-Chief will, in the next few days, broadcast a special message to you. He will deal with some of the specific problems that may now be engaging your mind. Meanwhile I have no doubt, whatever political considerations may shape the future of India, your interests will be protected by all sides.

(3. Resolution passed by the Council of the All India Muslim League on 9th June 1947)

The Council of the All India Muslim League after full deliberation and consideration of the statement of His Majesty's Government dated the June 3, 1947, laying down the plan of transfer of power to the peoples of India, notes with satisfaction that the Cabinet Mission's plan of May 16, 1946, will not be proceeded with and has been abandoned. The only course open is the partition of India as now proposed in H.M.G.'s statement of the June 3.

The Council of the All India Muslim League is of the opinion that the only solution of India's problem is to divide India into two—Pakistan and Hindustan. On that basis the Council has given its most earnest attention and consideration to H.M.G.'s statement. The Council is of the opinion that although it cannot agree to the partition of Bengal and the Punjab or give its consent to such partition, it has to consider H.M.G.'s plan for the transfer of power as a whole.

The Council, therefore, hereby resolves to give full authority to the President of the All India Muslim League, Qaed-e-Azam M.A. Jinnah, to accept the fundamental principles of the plan as a compromise and to leave it to him, with full authority to work out all the details of the plan in an equitable and just manner with regard to carrying out the complete division of India on the basis and fundamental principles embodied in H.M.G.'s plan including Defence, Finance, Communications, etc.

The Council further empowers the President, Qaed-e-Azam M.A. Jinnah, to take all steps and decisions which may be necessary in connection with and relating to the plan.

**(4. Resolution passed by the All India Congress Committee on
15th June 1947)**

The A.I.C.C. has given careful consideration to the course of events since its last meeting in January last and, in particular, to the statements made on behalf of the British Government on February 20, 1947, and June 3, 1947. The Committee approves and endorses the resolutions passed by the Working Committee during this period.

The Committee welcomes the decision of the British Government to transfer power completely to the Indian people by the next August.

The Congress accepted the British Cabinet Mission's statement of May 16, 1946, as well as the subsequent interpretation thereof dated December 6, 1946, and has been acting in accordance with it in the Constituent Assembly which was constituted in terms of the Cabinet Mission's plan.

That Assembly has been functioning for over six months and has not only declared its objectives to be the establishment of an Independent Sovereign Republic of India and a just social and economic order, but has also made considerable progress in framing the Constitution for the free Indian Union on the basis of fundamental rights, guaranteeing freedom and equality of opportunity to all Indians.

In view, however, of the refusal of the Muslim League to accept the plan of May 16 and to participate in the Constituent Assembly, and further in view of the policy of the Congress that it cannot think in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will, the A.I.C.C. accepts the proposals embodied in the announcement of June 3 which have laid down a procedure for ascertaining the will of the people concerned.

The Congress has consistently upheld that the unity of India must be maintained. Ever since its inception, more than 60 years ago, the National Congress has laboured for the realisation of a free and united India, and millions of our people have suffered in this great cause. Not only the labours and sacrifices of the past two generations but the long course of India's history and tradition bear witness to this essential unity. Geography and the mountains and the seas fashioned India as she is and no human agency can change that shape or come in the way of her final destiny. Economic circumstances and the insistent demands of international affairs make the unity of India still more necessary.

The picture of India we have learnt to cherish will remain in our minds and hearts. The A.I.C.C. earnestly trusts that when present passions have subsided, India's problems will be viewed in their proper perspective and the false doctrine of two nations in India will be discredited and discarded by all.

The proposals of June 3 are likely to lead to the secession of some parts of the country from India. However much this may be regretted, the A.I.C.C. accepts this possibility, in the circumstances now prevailing.

Though freedom is at hand, the times are difficult, and the situation in India

demands vigilance and a united front of all those who care for the independence of India. At this time of crisis and change, when unpatriotic and anti-social forces are trying to injure the cause of India and her people, the A.I.C.C. appeals to, and demands of, every Congressman and the people generally, to forget their petty differences and disputes and to stand by vigilant, disciplined and prepared to serve the cause of India's freedom and defend it with all their strength from all who may seek to do it injury.

IV. Announcements by the Governor-General in pursuance of paragraph 21 of the June 3 statement

(1. Announcement by the Governor-General on 10th June 1947)

No. F. 50/47-R. The following Announcement by the Governor-General is published for general information:

In pursuance of paragraph 21 of the statement by His Majesty's Government, dated the 3rd June 1947, His Excellency the Governor-General is pleased to direct that the following procedure shall be followed for the purpose of giving effect to paragraphs 5 to 8 of the statement:

(1) The members of the Bengal Legislative Assembly representing for the time being the constituencies specified in Schedules I and II, and the members of the Punjab Legislative Assembly representing for the time being the constituencies specified in Schedules III and IV, shall form the two parts of the Bengal Legislative Assembly and the Punjab Legislative Assembly, respectively, for the purpose of taking the decisions referred to in paragraphs 6 and 8 of the statement.

(2) The Governor of Bengal shall summon the members forming each such part of the Bengal Legislative Assembly and the Governor of the Punjab shall summon the members forming each such part of the Punjab Legislative Assembly, to meet on such date, at such time, and in such place as he may think fit, for the purpose of taking their decision or decisions in accordance with paragraphs 6, 7 and 8 of the statement.

(3) The Governor shall appoint one of the members of each such body to preside over its meetings, and also one of the members of either body to preside over the meeting referred to in paragraph 7 of the statement in the event of such a meeting being held. Every such person shall have a right to vote on any issue before the meeting presided over by him, but shall not have or exercise a casting vote.

(4) Each such body shall have power to act notwithstanding any vacancy in the membership thereof.

(5) The President of each such body shall at the commencement of its meeting, ascertain if any member demands that the joint meeting referred to in paragraph 7 of the statement should be held and shall forthwith communicate the result to the President of the other body. Should there be such a demand from any

member, the joint meeting shall be held forthwith at such place as may have been appointed in this behalf by the Governor. Immediately on the conclusion of such joint meeting, the two bodies shall reassemble separately for the purpose of taking their decisions referred to in paragraphs 6 and 8 of the statement.

(6) Subject to the provisions of paragraphs (3), (4) and (5) each such body shall determine its own procedure.

(7) The President of each such body shall communicate its decision or decisions to the Governor.

SCHEDULE I

Description of Constituency	Number of Members
General Urban:	
Calcutta North	
Calcutta East	
Calcutta West	
Calcutta Central	
Calcutta South Central	
Calcutta South	
Hooghly cum Howrah Municipal	
Burdwan Division North Municipal	
24-Parganas Municipal	
General Rural:	
Burdwan Central	2
Burdwan North-West	2
Birbhum	2
Bankura West	2
Bankura East	1
Midnapore Central	2
Jhargram cum Ghatal	2
Midnapore East	1
Midnapore South-West	1
Midnapore South-East	1
Hooghly North-East	2
Hooghly South-West	1
Howrah	2
24-Parganas South-East	2

(Contd.)

Description of Constituency**Number of Members**

24-Parganas North-West

Khulna

Jalpaiguri cum Siliguri

Darjeeling

Muhammadan Urban:

Calcutta North

Calcutta South

Hooghly cum Howrah Municipal

Barrackpore Municipal

24-Parganas Municipal

Muhammadan Rural:

Burdwan

Birbhum

Bankura

Midnapore

Hooghly

Howrah

24-Parganas South

24-Parganas Central

24-Parganas North-East

Khulna

Satkhira

Bagerhat

Jalpaiguri cum Darjeeling

Women's General Urban:

Calcutta (General)

Women's Muhammadan Urban:

Calcutta (Muhammadan)

Anglo-Indian:

Anglo-Indian

Indian Christian:

Calcutta cum Presidency Division

(Contd.)

Description of Constituency	Number of Members
Commerce & Industry:	
Bengal National Chamber of Commerce	2
Indian Chamber of Commerce	1
Marwari Association	1
Muslim Chamber of Commerce	1
Landholders:	
Burdwan Landholders	1
Labour:	
Railway Trade Union	1
Calcutta & Suburbs (Registered Factories)	1
Barrackpore (Registered Factories)	1
Howrah (Registered Factories)	1
Hooghly cum Serampore (Registered Factories)	1
Colliery (Coal Mines)	1
Tea Garden Labour (Darjeeling Sadar)	1
University:	
Calcutta University	1

SCHEDULE II

All constituencies of the Bengal Legislative Assembly other than the following:

1. All constituencies specified in Schedule I.
2. All European constituencies.
3. The following Commerce and Industry constituencies, namely:
 Bengal Chamber of Commerce.
 Calcutta Trades Association.
 Indian Jute Mills Association.
 Indian Tea Association.
 Indian Mining Association.

SCHEDULE III

Description of Constituency	Number of Members
General Urban:	
Southern Towns	
South Eastern Towns	
Eastern Towns	
Amritsar City	
General Rural:	
Hissar South	
Hansi	
Hissar North	
Rohtak North	
Rohtak Central	
Jhajjar	
North-West Gurgaon	
South-East Gurgaon	2
Karnal South	1
Karnal North	2
Ambala and Simla	2
Kangra North	1
Kangra South	1
Kangra East	1
Kangra West	1
Hoshiarpur West	2
Una	1
Jullundur	2
Ludhiana and Ferozepur	2
Amritsar and Sialkot	1 (The Caste Hindu Member)
Muhammadan Urban:	
Southern Towns	
South Eastern Towns	
Eastern Towns	
Amritsar City	
Muhammadan Rural:	
Hissar	

(Contd.)

Description of Constituency	Number of Members
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Rohtak	
North-West Gurgaon	
South-East Gurgaon	
Karnal	
Ambala and Simla	
Kangra & Eastern Hoshiarpur	
Hoshiarpur West	
Jullundur North	
Jullundur South	
Ludhiana	
Ferozepur Central	
Ferozepur East	
Fazilka	
Amritsar	
Tarn Taran	
Ajnala	

Sikh Urban:

Eastern Towns

Sikh Rural:

South-East Punjab
Ambala North
Kangra & Northern Hoshiarpur
Hoshiarpur South
Jullundur West
Jullundur East
Ludhiana East
Ludhiana Central
Jagraon
Ferozepur North
Ferozepur East
Ferozepur West
Ferozepur South
Amritsar North
Amritsar Central
Amritsar South

Women's Constituencies (Sikh):

Amritsar

(Contd.)

Description of Constituency	Number of Members
Landholders:	
East Punjab (Landholders)	1
Central Punjab Landholders	1
Labour:	
East Punjab (Non-Union Labour)	1

SCHEDULE IV

All constituencies of the Punjab Legislative Assembly, other than the European Constituency and the constituencies specified in Schedule III, but including the representative of the Scheduled Castes from the Amritsar and Sialkot General Rural Constituency.

V.P. Menon
Reforms Commissioner
Secretariat of the Governor-General (Reforms)

(2. Announcement by the Governor-General on 16th June 1947)

No. F. 50/47-R. The following Announcement by the Governor-General is published for general information:

In pursuance of paragraph 21 of the statement by His Majesty's Government, dated the 3rd June 1947, His Excellency the Governor-General is pleased to direct that the following procedure shall be followed for the purpose of giving effect to paragraph 13 of the statement:

(1) If, in accordance with the procedure laid down in the Announcement dated the 10th June 1947, it is decided that Bengal should be partitioned, the Members of the Bengal Legislative Assembly representing for the time being the constituencies specified in Schedule II to that Announcement, shall forthwith proceed to decide the following question, namely:

Whether, if the referendum to be held in Sylhet District in accordance with paragraph 13 of the statement by His Majesty's Government dated the 3rd June 1947 results in favour of the amalgamation of the district of Sylhet with the new Province of Eastern Bengal, the Province should agree to such amalgamation.

(2) The member of the above body appointed by the Governor under paragraph 3 of the Announcement dated the 10th June 1947, to preside over its meetings shall preside over meetings of that body held for the purpose of deciding the above question, and shall in due course communicate its decision to the

Governor of Bengal.

(3) The Governor of Bengal shall communicate the terms of this announcement to all members of the above body.

K V.K. Sundaram
Addl. Secy.
Secretariat of the Governor-General (Reforms)

(3. Announcement by the Governor-General on 21st June 1947)

No. F. 50/2/47-R. The following Announcement by the Governor-General is published for general information:

Whereas, in accordance with the provisions of paragraphs 5 to 8 of the statement by His Majesty's Government, dated the 3rd June 1947, it has on the 20th June 1947 been decided that the Province of Bengal shall be partitioned;

Now, therefore, in pursuance of paragraph 21 of the statement His Excellency the Governor-General is pleased to direct that the following procedure shall be followed for the purpose of giving effect to paragraph 14 of the statement in respect of Bengal:

(1) With effect from the date of this Announcement the members elected by the Bengal Legislative Assembly to the existing Constituent Assembly cease to be members thereof.

(2) The members of the Bengal Legislative Assembly representing for the time being the constituencies specified in Schedules I and II to the Announcement dated the 10th June 1947 shall proceed to elect their representatives to the existing Constituent Assembly and the new Constituent Assembly respectively, as laid down in paragraph 14 of the statement by the method of proportional representation with single transferable vote.

(3) The Governor of Bengal shall take such steps as may be necessary for the purpose of holding the elections referred to in paragraph (2) above

K.V.K. Sundaram
Addl. Secy.
Secretariat of the Governor-General (Reforms)

(4. Announcement by the Governor-General on 21st June 1947)

No. F. 50/3/47-E. The following Announcement by the Governor-General is published for general information:

In pursuance of paragraph 21 of the statement by His Majesty's Government, dated the 3rd June 1947, the Governor-General is pleased to direct that the following procedure shall be adopted for the purpose of holding a referendum in Sylhet under paragraph 13 of the statement:

1. The referendum shall be made to the persons included in the electoral rolls

for the constituencies and part constituency of the Assam Legislative Assembly specified in the Schedule to this Announcement.

2. The Governor-General may, in consultation with the Government of Assam, appoint a Referendum Commissioner and such other officers as may be considered necessary.

3. The Referendum Commissioner shall take such steps as he may consider necessary to carry out the Referendum; and may utilise the assistance of such officers and authorities as may be placed at his disposal by the Government of Assam.

4. The result of the Referendum shall be communicated to the Governor-General and to the Government of Assam by the Referendum Commissioner.

SCHEDULE

I. The following General Constituencies, namely:

Sunamganj
 Habibganj (North)
 Habibganj (South)
 South Sylhet (West)
 South Sylhet (East)
 Sylhet Sadr (South)
 Sylhet Sadr (North)
 Karimganj (West)
 Karimganj (East)

II. The following Muhammadan Constituencies, namely:

Sunamganj (West)
 Sunamganj (Central)
 Sunamganj (East)
 Sunamganj (South)
 Habibganj (North-West)
 Habibganj (North-East)
 Habibganj (South-West)
 Habibganj (South-East)
 South Sylhet (West)
 South Sylhet (Central)
 South Sylhet (East)
 Sylhet Sadr (Central)
 Sylhet Sadr (North)
 Sylhet Sadr (West)
 Sylhet Sadr (East)
 Sylhet Sadr (South)

Karimganj (West)
Karimganj (Central)
Karimganj (South)

III. That portion of the Indian Christian Constituency which is comprised in Sylhet district.

K. V. K. Sundaram
Addl. Secy.
Secretariat of the Governor-General (Reforms)

(5. Announcement by the Governor-General on 23rd June 1947)

No. F. 50/3/47-R. The following Announcement by the Governor-General is published for general information:

Whereas, in accordance with the provisions of paragraphs 5 to 8 of the statement by His Majesty's Government, dated the 3rd June 1947, it has on the 23rd June 1947 been decided that the Province of the Punjab shall be partitioned;

Now, therefore, in pursuance of paragraph 21 of the statement His Excellency the Governor-General is pleased to direct that the following procedure shall be followed for the purpose of giving effect to paragraph 14 of the statement in respect of the Punjab:

(1) With effect from the date of this Announcement the members elected by the Punjab Legislative Assembly to the existing Constituent Assembly cease to be members thereof.

(2) The members of the Punjab Legislative Assembly representing for the time being the constituencies specified in Schedules III and IV to the Announcement dated the 10th June 1947 shall proceed to elect their representatives to the existing Constituent Assembly and the new Constituent Assembly respectively, as laid down in paragraph 14 of the statement, by the method of proportional representation with single transferable vote.

(3) The Governor of the Punjab shall take such steps as may be necessary for the purpose of holding the elections referred to in paragraph (2) above.

(6. Announcement by the Governor-General)

No. F. 50/4/47-R. The following Announcement by the Governor-General is published for general information:

Whereas, in accordance with the provisions of paragraphs 5 to 8 of the statement by His Majesty's Government, dated the 3rd June 1947, it has on the 23rd June 1947 been decided that the Province of the Punjab shall be partitioned;

Now, therefore, in pursuance of paragraph 21 of the statement His Excellency the Governor-General is pleased to direct that the following procedure shall be followed for the purpose of holding a referendum in the North-West Frontier

Province under paragraph 11 of the statement:

(1) The referendum shall be made to the persons included in the electoral rolls for the territorial constituencies of the North-West Frontier Province Legislative Assembly.

(2) There shall be a Referendum Commissioner for the purpose of making arrangements for, and conducting, the referendum.

(3) The Referendum Commissioner shall take such steps as may be considered necessary to carry out the referendum.

(4) The result of the referendum shall be communicated by the Referendum Commissioner to the Governor-General and to the Government of the North-West Frontier Province.

K.V.K. Sundaram
Officer on Special Duty
Secretariat of the Governor-General (Reforms)

(7. Announcement by the Governor-General on 24th June 1947)

No. F. 50/5/47-R. The following Announcement by the Governor-General is published for general information:

In pursuance of paragraph 21 of the statement by His Majesty's Government, dated the 3rd June 1947, His Excellency the Governor-General is pleased to direct that the following procedure shall be followed for the purpose of giving effect to paragraph 12 of the statement:

(1) The Agent to the Governor-General in Baluchistan shall summon a meeting of the members of the Shahi Jirga (excluding the Sardars nominated by the Kalat State) and the elected members of the Quetta Municipality, on such date, at such time, and in such place as may be fixed by him in this behalf.

(2) At the said meeting the Agent to the Governor-General shall ask the members present to decide the question whether the Constitution of the Province is to be framed in the existing Constituent Assembly or in a new and separate Constituent Assembly consisting of the representatives of those areas which decide not to participate in the existing Constituent Assembly.

(3) Each member present at the meeting shall have one vote and the question stated above shall be decided by a simple majority of those present and voting.

(4) The Agent to the Governor-General shall have power to regulate the proceedings of the meeting in such manner as he may consider fair and proper.

(5) The decision taken at the meeting shall be communicated to the Governor-General by the Agent to the Governor-General and shall be deemed to be the decision of the Province.

K.V.K. Sundaram
Officer on Special Duty
Secretariat of the Governor-General (Reforms)

(8. Announcement by the Governor-General on 27th June 1947)

No. F. 50/6/47-R. The following Announcement by the Governor-General is published for general information:

Whereas, in accordance with paragraph 10 of the statement by His Majesty's Government, dated the 3rd June 1947, it has been decided that the Constitution of the Province of Sind shall be framed in a new and separate Constituent Assembly;

Now, therefore, in pursuance of paragraph 21 of the statement His Excellency the Governor-General is pleased to direct as follows:

With effect from the date of this Announcement the members elected by the Sind Legislative Assembly to the existing Constituent Assembly cease to be members thereof.

K.V.K. Sundaram
Officer on Special Duty
Secretariat of the Governor-General (Reforms)

(9. Announcement by the Governor-General on 30th June 1947)

No. F. 50/5/47-R. The following Announcement by the Governor-General is published for general information:

Whereas, in accordance with the provisions of paragraph 12 of the statement by His Majesty's Government, dated the 3rd June 1947, it has on the 29th June 1947 been decided that the Constitution of British Baluchistan shall be framed in a new and separate Constituent Assembly consisting of the representatives of those areas which decide not to participate in the existing Constituent Assembly;

Now, therefore, in pursuance of paragraph 21 of the statement His Excellency the Governor-General is pleased to announce that with effect from the date of this Announcement the person elected by the British Baluchistan to the existing Constituent Assembly ceases to be a member thereof

K.V.K. Sundaram
Officer on Special Duty
Secretariat of the Governor-General (Reforms)

(10. Announcement by the Governor-General on 30th June 1947)

No. D. 50/7/47-R. The following Announcement by the Governor-General is published for general information:

Whereas, in accordance with the provisions of paragraphs 5 to 8 of the statement by His Majesty's Government, dated the 3rd June 1947, it has been decided that the Provinces of Bengal and the Punjab shall be partitioned;

Now, therefore, in pursuance of paragraph 21 of the statement, His Excellency the Governor-General is pleased to make the following announcement with

reference to paragraphs 9 and 13 thereof:

(1) There shall be two Boundary Commissions, one for Bengal and the other for the Punjab, consisting of the following:

For Bengal:

Chairman: To be appointed later.

Members:

Mr. Bijan Kumar Mukherjea.

Mr. Justice C.C. Biswas.

Mr. Justice Abu Saleh Mohamed Akram.

Mr. Justice S.A. Rahman.

For the Punjab:

Chairman: To be appointed later.

Members:

Mr. Justice Din Muhammad.

Mr. Justice Muhammad Munir.

Mr. Justice Mehr Chand Mahajan.

Mr. Justice Teja Singh.

Note: It is intended to appoint the same person as Chairman of both the Boundary Commissions.)

(2) The two Boundary Commissions shall be summoned to meet as early as possible by the Governors of the respective Provinces, and shall submit their reports at the earliest possible date.

(3) The terms of reference for the two Commissions shall be as follows:

For Bengal: The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors.

In the event of the referendum in the district of Sylhet resulting in favour of amalgamation with Eastern Bengal, the Boundary Commission will also demarcate the Muslim majority areas of the adjoining districts of Assam.

For the Punjab: The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so it will also take into account other factors.

K.V.K. Sundaram
Officer on Special Duty
Secretariat of the Governor-General (Reforms)

INDEX

- Abell, G E.B., 29
Acharya, Shiam Kumar, 55, 56
Administration of Provincial Affairs, 376-77
Administrative machinery, 23, 26
Administrative services, 25, 26
Adulteration, evils of, 263
Advisory Committee on Fundamental Rights, Minorities, etc., 170, 178
Agra, 55
Agricultural production, 455
Agriculture, 24, 25
Ahimsa, principles of, 429, 430, 431
Ahmed, G., 169
Ahmed, Naziruddin, 409
Airforce Act and Army Act in relation to British forces, modifications of, 338, 339
Akali Party, 144
Akram, Justice Abu Saleh Mohamed, 526
Ali, Mohamed, 80, 192, 443
Ali, Sadik, 176, 177
Allahabad, 5, 6, 7, 8, 19, 173, 176, 231;
Conference of Presidents and Secretaries of Provincial Congress Committees at, 176, 177
All Burma Indian Congress, 453
All India Congress Committee, 56, 139, 140, 141, 142, 143, 145, 146, 173, 176, 179, 198, 199, 212, 227, 303, 486, 488, 489, 498, 499, 514
All India Congress Committee, resolution on minority rights, 469
All India Muslim League, Working Committee of, 486, 488, 492, 497, 498, 499
All India Sanskrit University, 55
All India Women's Conference, 340
Alwar, 64
Ambedkar, Dr. B.R., 89, 136, 137, 198, 213, 226, 319, 348, 356, 362
America, *see* United States of America
American Constitution, 215
Amrit Kaur, Rajkumari, 89, 130, 213, 322, 348
Ananthasayanam Ayyangar, M., 418
Anderson, Clinton, 14
Aney, M.S., 56
Ansari, Abdul Qayum, 170
Anthony, Frank, 198, 319
Application Committee, 441
Argentine maize, 415
Armed Forces, 77, 99, 191, 307, 442; building up of, 205, 206, division of, 206
Armed Forces Committee, 193, 194
Armed Forces Reconstruction Committee, 76, 77, 78, 79, 101
Artificial insemination, 245
Asaf Ali, Aruna, 66, 93
Asoka Chakra, central symbol, 88
Asoka's Sarnath pillar, 320
Assam, 24, 325, 420, 489, 502
Assam Legislative Assembly, 522, 523
Assets, purchase of, 439
Asthana, Dr. N.P., 56
Atma-Katha, 46
Atma Vijaya, 429
Attlee, Clement, 495
Auchinleck, Field Marshal C.J.E., 308
Australia, 61, 133, 210, 409, 472, 473
Australian Constitution, 215
Australian Constitution Act, 269
Azad, Maulana Abul Kalam, 11, 15, 27, 73, 89, 120, 146, 161, 196, 230, 348, 364, 460, 461, 474, 475
Bahadur, Sir Tej, 6, 54, 71, 120
Bakshi, N., 211
Bakshi, Sir Tek Chand, 174, 237
Balance of Trade, 69
Baldev Singh, 86, 89, 213, 319, 348, 504, 510, 511
Ballabh, Krishna, 30, 70
Baluchi troops, 118, 119
Bande Mataram, 92
Banerjee, Prof. D.N., 9, 10, 17, 18
Bannerji, P.N., 8, 9
Bapat, V.V., 82, 83
Bari, Maulana Abdul, 260, 261, 262
Barr Ghosh Fund, 133
Benares, 46, 53
Benares Hindu University, 5, 345
Bengal, 24, 35, 36, 40, 44, 45, 46, 103, 108, 325, 504, 506
Bengal Assembly, 49, 151, 152

- Bengal Chamber of Commerce, 517
 Bengal Famine, 413
 Bengal Government, 39
 Bengal Legislative Assembly, 514, 517, 520, 521, 523
 Bengal Ministry, 208, 209
 Bengal Pradesh Congress Committee, 476, 477
 Besant, Annie, 120
 Bessant, L., 69
 Bhabha, C H., 84, 89, 161, 213, 348, 364, 369, 370, 474
 Bhagat Singh, 111
 Bhalja, G S, 100, 101
 Bhandari, 225, 226
 Bhangi Colony, 184, 185
 Bhargava, Dr. Gopichand, 112, 162, 277
 Bhargava, Mukat Behan Lal, 376
 Bhargava, Ramesh Chandra, 199, 200
 Bharatiya Vidya Prachar Samiti, 55
 Bhatnagar, Sir Shanti Swarup, 93
 Bhattacharji, Shyamapada, 479
 Bihar, 24, 48, 54, 93, 103, 104, 135, 220, 221, 222, 230, 251, 252, 258, 306, 415, 421
 Bihar Assembly, 4
 Bihar communal riots, 171
 Bihar Earthquake (1934), 89
 Bihar Muslim League, 15
 Binoy Singh, 93
 Birla, 28
 Biswas, C.C., 477, 478, 526
 Biyani, Seth, 224, 225
 Black market, 20, 21, 420
 Black marketing in Delhi, 388, 389
 Bogyoke Aung San, 450
 Bose, Lady Abala, 42, 43, 44
 Bose, Sarat Chandra, 42, 44, 45, 46, 103, 104, 106, 110, 174, 237, 248
 Boundary Commission, 73, 207-9, 255, 505, 526
 Boundary Commission, Bengal, 526
 Boundary, Commission, Punjab, 526
 Boundary Commission Award, 96, 97
 Brazilian rice, 415
 Bren Gun factory, 34
 British Baluchistan, 501
 British Baluchistan Constitution, 525
 British Cabinet Mission, 496
 British Colonies, 353
 British Commonwealth, 503, 506
 British forces in India, 331
 British Government, 30, 160, 303, 419, 496, 497, 507, 513
 British officers, retention of, 306-8
 British Parliament, 47, 82
 British protection, 341
 British rule, 23
 British troops, departure of, 79
 Buck, Pearl, 14, 238
 Burma, 20, 63; rice from, 14
 Burma Citizenship, 451
 Burma Educational Policy Enquiry Committee, 451
 Burma Immigration Emergency Provision Act, 452
 Butler Committee Report, 60
 Cabinet Committee, 51, 52
 Cabinet Delegation, 266, 267, 269
 Cabinet meeting, minutes of, 300-2
 Cabinet Mission, 59, 172, 483, 484, 485, 487, 490, 491, 492, 493, 494, 499, 502, 503, 505, 513
 Cabinet Mission's Plan, 312, 313
 Calcutta, 38, 39, 40, 42, 60, 69, 71, 72, 90, 109
 Calcutta massacre, 42
 Calcutta Trades Association, 517
 Campbell-Johnson, Alan, 31, 45
 Canada, 61, 395, 396, 472
 Cash Balance, Partition Council on, 434, 435
 Cattle breed, improvement of, 240-43
 Cattle industry, 238-48
 Cattle Research, 247-48
 Caveeshari, 7
 Central Government Suspense, 438
 Central Public Service Commission, 196
 Centrally administered areas, 374-79
 Cereals Conference in Paris, 56
 Chakradhar, 18
 Chakravarty, Satis Chandra, 479
 Chamber of Princes, Standing Committee of, 484, 485
 Chanda, A.K., 314, 316
 Chatterjee, Sunil Kumar, 61, 457
 Chetty, Sir Shanmukham, 89, 213, 364, 461
 Chiang Kai-shek, 349
 Chief Commissioners' Provinces, 378-79
 Chief Justice of India, 473
 Chinese wall, 425
 Chittagong Hill Tracts, 96
 Christians and non-Christians, 70
 Chughtai, M.J., 80
 Churchill, 9
 Civil rights, 296
 Civil Service, 12
 Communal incidences, 367, 368, 369

- Communal Organisations, resolution on, 144-45
 Communal problems, 468
 Communication, 249-50, 267
 Communist Party, 32, 389
 Congress, 17, 18, 21, 28, 37
 Congress Assembly Party, 475, 478
 Congress in Bengal, 44, 45
 Congress Manifesto, 146
 'Congress Objectives', resolution on, 145
 Congress Party, 4, 94
 Congress President, 139
 Congress Working Committee, 198, 254, 258, 303, 304, 488, 495, 496
 Constituency, description of, 515-20
 Constituency, General, 522
 Constituency, Muhammadan, 522
 Constituent Assembly, 5, 7, 9, 10, 15, 16, 17, 18, 28, 34, 35, 49, 50, 54, 55, 56, 62, 64, 65, 66, 68, 69, 71, 73, 83, 84, 85, 91, 92, 93, 94, 95, 98, 120, 121, 127, 130, 131, 134, 135, 139, 142, 149, 150, 158, 170, 171, 172, 174, 175, 186, 197, 212, 214, 237, 248, 270, 275, 277, 305, 314, 318, 319, 320, 328, 336, 340, 346, 351, 356, 357, 358, 360, 361, 362, 363, 364, 374, 376, 380, 398, 399, 400, 401, 432, 442, 449, 459, 462, 475, 483, 488, 489, 491, 493, 495, 496, 497, 500, 501, 503, 506, 513, 521, 523, 524, 525
 Constituent Assembly, functioning of, 403
 Constituent Assembly, Terms of Reference, 358
 Constituent Assembly Functioning Committee, 358, 359
 Constituent Assembly for Pakistan, 314, 324, 509, 510
 Constituent Assembly work, 3, 4
 Constitution, Provincial, 23, 255, 256, 257
 Constitution, Union, 23, 49, 491
 Constitution Act, 311
 Constitution of India, 17, 47, 49, 54, 62, 136, 224, 255, 256, 257, 268, 269, 271, 276, 285, 313, 314, 395, 396, 449, 483, 484, 492, 496, 497
 Constitutional Adviser, 50
 Constitutional Adviser for Burma, 398
 Constitutional remedies, right to, 282
 Control over distribution of foodstuffs, 408, 410
 Controls, 264-65
 'Controls', resolution on, 145
 Convocation Address by Dr. Rajendra Prasad at Allahabad University, 424-32
 Cooperative movement, 42
 Cooperative Planning Committee, 288, 289, 290, 291
 Cooperative societies, 287-93
 Corruption, 20, 21, 42
 Cow slaughter, 91
 Creed, Clarence James, 184, 185
 Cripps, Sir Stafford, 487, 491
 Currency Note Press, transfer to Pakistan, 75
 Czechoslovakia, 34
 Dacca University, 9, 10
 Dadabhoy, Sir Maneckji, 12
 Darbhanga, Maharajadhiraj of, 11
 Das, Biswanath, 42, 174, 237, 269
 Das, Probodh Chandra, 40, 458
 Das, S., 39, 40
 Datar Singh, 210
 Debt Commission, 445, 446
 Defence, 248-49, 266
 Defence Committee, 306
 Defence forces, 435
 Delhi Police report, 365-69
 Delhi University, 10
 Deo, Sankarrao, 108, 146, 179, 212, 498, 499
 Deshmukh, B. A., 224, 233
 Deshmukh, Gopalrao, 225
 'Desh Sevikas', 432, 433
 Dev Chandra, 53
 Dev Kumar, 45, 46
 Deva, Acharya Narendra, 66
 Dhamma Vijaya, 427
 'Dharma Chakra', 434
 Din Muhammad, Mr Justice, 526
 Dinajpur, 34
 Dominion Constitution, 58
 Dominion Legislature, 149, 362, 363, 402
 Doulatram, Jairamdas, 111, 174, 217, 218, 221, 222, 223, 228, 229, 230, 231, 232, 237, 269, 277
 Dutt, N. N., 477
 Dutt, Ullaskar, 133
 East Bengal, 97, 314, 324, 325, 330, 336, 338, 372, 414, 520
 Economic policy, 23
 Economic Relations Committee, 190
 Egyptian rice, 415
 Emergency Committee, 123
 Emergency Council, 115
 European countries, 34
 Evaporated Milk Factory at Lahore, 99, 100, 101, 102
 Expert Committee(s), 51, 52, 440
 Expert Sub-Committee(s), 189, 192, 193, 206

- Famine Enquiry Committee, 413, 415, 421
 Federal Court, 489
 Federal Public Service Commission, 63
 Finance, 250-51
 Finance Committee, 190
 Fodder, problems of, 243
 Food and Agriculture Organisation, 295
 Food Control, 24
 Foodgrains, decontrol of, 416, 417, importing
 of, 415, 416; purchase of, 419
 Foodgrains Policy Committee, 138, 413, 415,
 421, 474
 Food policy, 413
 Food Policy Committee, 404
 Foreign Affairs, 249, 266-67, 271
 Foreign exchange, 439
 Forward Bloc, 7
 Fundamental duties, 395
 Fundamental Rights, 268, 395, 469
 Fundamental Rights, Advisory Committee on
 the subject of, 275-77
 Fundamental Rights, Justifiable, 278-82
- Gadgil, D.R., 289
 Gadgil, Narhar Vishnu, 89, 213, 348
 Gaiha, Purushottamdas, 34, 35
 Gandhi, Mahatma, 3, 11, 30, 31, 85, 88, 94, 98,
 181, 209, 210, 251, 258, 260-61, 282, 285, 295,
 298, 299, 302, 305, 321, 341, 345, 351, 373, 387,
 388, 389, 391, 392, 404, 410, 427, 450, 459, 461,
 508
 Gandhian way, 385
 Ghanshyam, Professor, 163
 Ghose, Amar Krishna, 476, 477
 Ghose, Barin, 133
 Ghose, Bimal Comar, 479
 Ghosh, Dr. P.C., 133, 134, 151, 277
 Ghosh, Sudhir, 31, 45
 Ghosh, Surendra Mohan, 44, 277, 476
 Gibbons, 68
 Gidwani, Choithram, 163, 164, 165
 Gokhale, S.V., 224, 225, 226
 Gopalaswami Ayyangar, Sir N., 10, 174, 214,
 237, 269, 311, 356, 376
 Government of India Act (1935), 329, 330, 333,
 334, 335, 336, 337-40, 401, 494
 Governors, procedures for appointment of,
 203-4
 Governor-General, 9
 "Grow More Food Campaign", 262, 263
 Gupta, Deshbandhu, 4, 376, 412, 413
 Gupta, J.C., 478, 479
- Gupta, S.N., 198, 319
 Gurukula University, 461
- Hassan, Zahid, 162
 Hilaly, A., 196, 197
 Himatsingka, Prabhudayal, 477
 Hindi Translation Committee, 449
 Hindu constables, 169
 Hindustani Prachar Sabha, 93, 94
 Hiralal Shastri, Pandit, 319
 His Majesty's Government, 483-84, 485, 486,
 487, 489, 491, 492, 493, 494, 499, 500, 503, 504,
 506, 509, 514, 520, 521, 523, 524, 525
 Husain, Akhtar, 32
 Hutchings, Sir Robert, 370, 374
 Hutments, construction of, 442
 Hyderabad, 34, 164
- Ibrahim, Professor Shibli, 8
 Iengar, H.V.R., 170, 174, 175, 176, 178, 197, 198,
 210, 219, 251, 319, 320, 340, 342, 343
 Ilmuddin, M., 308
 Imam, Hossain, 12, 57
 Immigration from Pakistan, 163
 Imports, increasing prices of, 403
 Independence Day celebrations, 342-43
 Independence Day messages, 348-51
 Indian Armed Forces, 331
 Indian Christian Constituency, 523
 Indian Independence, 450
 Indian Independence Act (1947), 323-39, 356,
 359
 Indian Independence Bill, 82
 Indian Jute Mills Association, 517
 Indian Mining Association, 517
 Indian National Army men, 181, 182, 183, 184
 Indian National Congress, 91, 159, 160, 320,
 President of, 138, 139
 Indian States Committee Report, 58
 Indian Tea Association, 517
 Industrial development, 24, 25
 Interim government, 9, 18, 23, 28
 International Emergency Food Council, 415
 International Monetary Fund, 440
 International Rice Study Group, 293-95
- Jagat Babu, 30, 31
 Jaipal Singh, 49, 50, 186
 Jallianwala Bagh massacre, 252
 Japanese Peace Treaty, 473
 Jayaprakash Narayan Fund, 177
 Jinnah, M.A., 37, 104, 122, 124, 188, 207, 259,

- 321, 322, 371, 382, 383, 504, 508, 509, 510, 512
 Jodhpur State, 463, 464, 465
 Joint Defence Council, 438
 Jones, Dr. E. Stanley, 37, 38, 40
 Joshi, P.C., 32
 Judges, appointment of, 273, 274
- Kalelkar, Satish D., 432
 Kalpal Jaru, 425
 Kama Dhenu, 425
 Kamaladevi, 66
 Kapadia, Khan Sahib, 69
 Karachi, 28, 164, 200
 Kashmir, 387
 Kashmir issue, 164
 Katju, Dr. K.N., 157, 158, 364
 Kaul, M.N., 149, 398
 Khadi, for National Flag, 85
 Khaitan, D.P., 174, 237
 Khaliqzaman, Choudhary, 161, 475
 Khan, Ghaznafar Ali, 122
 Khan, Liaquat Ali, 69, 122, 192, 200, 201, 204, 205, 371, 498, 499
 Khan, Osman Ali, 154
 Khan, Zafrullah, 122, 123, 471
 Khanna, Mehr Chand, 277
 Khare, Dr. N.B., 64, 65, 228
 Kidwai, Rafi Ahmed, 89, 213, 216, 348, 391, 475
 Kisan movement, 433
 Kripalani, Acharya J.B., 11, 32, 33, 35, 146, 147, 148, 180, 223, 224, 345, 391
 Kripalani, Sucheta, 115
 Krishnamachari, Sir V.T., 134, 265, 269, 310, 311, 449
 Krishnamurthi, Y.G., 3, 5, 6
 Krishnaswami Ayyar, Sir Alladi, 174, 213, 237, 269, 275, 356, 449
 Kuala Lumpur, 159
 Kunzru, Pandit Hriday Nath, 406, 408, 410, 422
- Lahore Congress, 221
 Lahore Resolution, 468
 Lal, Samaldhar, 55
 Lall, K.C., 80
 Lalwani, Kikiben, 163
 Latham C.J., 215
 Leave and Compensation, 436
 Leave Concession passages, 436
 Legislative Assembly, 377-78, 379, 399, 402, 500
 Legislative Assembly of Sind, 501
 Lieutenant Governors' Provinces, 376
 Livestock, 456
- Lohia, Rammanohar, 66
 Lucknow, 199
- Madras, 3, 213
 Magill Report, 396
 Mahajan, Mr. Justice Mehr Chand, 526
 Maharana of Udaipur, 43, 44
 Mahmud, Syed, 252, 254
 Mahtha, S. Narayan, 89, 90
 Maitra, Lakshmi Kanta, 419, 423
 Majumdar, Suresh Chandra, 108
 Malaviya, Madan Mohan, 431
 Malayan Indian Congress, 159, 160, 161
 Mallick, Ashutosh, 479
 Marxist theory, 405
 Marwari Chamber of Commerce, 344-45
 Masani, M.R., 174, 237
 Masimpur, 3
 Mathura Prasad, 8, 9, 15, 16, 18, 27, 28
 Matthai, Dr. John, 72, 73, 89, 213, 348, 364
 Mavalankar, G.V., 149, 150, 151, 356, 358, 361, 381
 Mehta, D.K., 224, 225, 226
 Menon, V.P., 520
 Mco refugees, 112, 113, 114, 115
 Military Dairy Farm (Lahore), 100
 Milk supply, 244-45
 Minority rights, resolution on, 469
 Mitra, Sir Dhiren, 97
 Mitra, Sisir Kumar, 457
 Mitter, Sir B.L., 107, 109, 135, 265, 269, 272, 275, 356, 449
 Montgomery, Field Marshal, 207
 Mookerjee, Syama Prasad, 42, 69, 72, 151, 161, 199, 213, 248, 277, 348, 364, 474
 Moorthy, K.S.N., 453
 Mountbatten, Viscount, 29, 31, 35, 36, 37, 70, 95, 97, 98, 105, 152, 211, 321, 322, 351, 494, 508
 Muhammad Munir, Mr. Justice, 526
 Mukherjee, Bijan Kumar, 526
 Mukherjee, D.N., 476, 477
 Mukherji, Satis Chandra, 45, 46, 53, 54, 67
 Munshi, K.M., 43, 44, 94, 174, 198, 236, 269, 275, 319
 Murali, 28, 30
 Murl Manohar Prasad, 31
 Muslim concentration, 251
 Muslim League, 7, 8, 12, 15, 17, 18, 28, 47, 55, 69, 94, 144, 161, 170, 171, 172, 254, 259, 286, 312, 321, 372, 381, 382, 383, 443, 471, 486, 487, 491, 496, 497, 498, 500, 505, 509, 513
 Muslim League Working Committee, 12

Muslim League Party in Pakistan, 386

Nag, Dr. A.K., 453

Nag, Dr. Kalidas, 457

Nagpur, 68, 223, 224, 225

Naik, D.R., 262

Naik, P.K., 81

Narahari Rao, V., 63, 64

Nanda, Gulzari Lal, 146

Narayan, Jayaprakash, 45, 46, 146

Narayan Prasad, Dr., 16, 19

National Anthem, 87

National Flag, 81, 82, 83, 84, 88, 105, 198, 199, 210, 211, 320, 340, 423

National Flag Committee, 198, 210, 318-19, 320, 432

National language of India, 93, 94, 158-59,

National Relief Fund, 154, 155, 479

National song of India, 459

Naval forces, 332

Nehru, Jawaharlal, 4, 7, 10, 15, 19, 20, 58, 65, 66, 83, 84, 85, 87, 88, 91, 92, 96, 117, 120, 121, 123, 125, 126, 127, 129, 130, 133, 135, 136, 137, 138, 139, 140, 141, 146, 148, 154, 163, 171, 173, 180, 188, 207, 213, 226, 231, 232, 237, 269, 320, 322, 340, 341, 342, 344, 348, 357, 369, 370, 391, 398, 399, 461, 470, 489, 495, 504, 505, 510

Neogy, K.C., 139, 161, 474

New Delhi, 4, 6, 7, 8, 9, 11, 14, 16, 19, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 43, 44, 45, 46, 55, 56, 57, 63, 65, 66, 67, 69, 70, 71, 72, 73, 83, 84, 85, 87, 88, 95, 97, 99, 101, 105, 106, 107, 108, 113, 115, 117, 118, 123, 125, 135, 136, 138, 139, 140, 146, 148, 149, 151, 154, 156, 158, 160, 169, 170, 173, 174, 175, 177, 180, 181, 182, 196, 201, 209, 210, 211, 213, 216, 217, 219, 228, 238, 275, 310, 318, 376, 398, 403

Nishtar, Abdur Rab, 39

Noakhali, 253, 259, 285, 306, 372

Non-Muslim population, 446, 447

Non Violence, 286, 352

Noon, Feroz Khan, 122

North West Frontier, 221; tribes of, 503

North-West Frontier Province, 501, 509, 524

Orissa, 24, 157

Padmanabhan, K.V., 174

Pakistan, 37, 52, 73, 122, 123, 125, 127, 131, 142, 143, 152, 165, 195, 196, 197, 200, 204, 207, 209, 300, 314, 322, 323, 324, 337, 341, 371, 382, 383, 384, 435, 436, 437, 440, 441, 444, 447, 465, 471

Pakistan, minorities in, 385, 386, 393

Pakistan currency, 444

Pakistan Dominion, 444, 445, 446

Pakistan Government, 386, 442, 443, 447

Pande, 184

Panikkar, Sardar K.M., 198, 319

Panna Lal, Dr., 8

Pant, Pandit Govind Ballabh, 174, 257, 269, 431

Parliamentary Sub-Committee, 11

Partition, administrative consequences of, 51, 299-302; Machinery for implementation of, 51, 192-93, 195

Partition Committee, 63, 76, 77, 98, 196, 201, 205, 206, 208, 209, 300, 301, 307, 315, 436, 443, 447

Partition Council, 51, 371

Partition Council Meetings, programme of, 323

Partition Office Memorandum, Corrigendum to, 308-10

Patel, H.M., 50, 51, 57, 63, 72, 74, 75, 76, 80, 85, 95, 99, 100, 101, 187, 191, 192, 200, 202, 447, 448

Patel, Vallabhbhai, 10, 12, 13, 14, 27, 31, 32, 64, 67, 68, 85, 88, 89, 106, 112, 113, 115, 116, 118, 119, 120, 123, 130, 148, 152, 169, 170, 171, 173, 174, 175, 177, 178, 180, 182, 185, 186, 187, 194, 201, 202, 208, 211, 213, 216, 217, 218, 220, 221, 222, 223, 226, 227, 228, 230, 231, 235, 277, 322, 342, 348, 371, 391, 399, 461

Patna, 5, 6, 15, 18, 27, 29, 30, 48, 49, 54, 71, 92, 98, 102, 104, 106, 110, 111, 116, 120, 128, 156, 171, 174, 177, 178, 182, 194, 211, 230, 232, 233, 258, 259

Patna University, 230

Patwardhan, Achyut, 146

Pepperall, R.A., 239

Physical Assets Committee, 448

Piars Mohan, 16

Pilani, 132, 133, 135

Political development, 46

Poona, 82, 88

Poonacha, C.M., 376

Prasad, R.R., 220

Pratap Singh, Maharaj, 92

Pratap Vishvaavidyalaya, 43, 44

President's Address (in Constituent Assembly), 283-85, 287-93

Price control, 413

Price rise, 406

Prime Minister's Relief Fund, 474

'Private armies', resolution on, 145

Privy Council, 136

- Provincial Legislative Assemblies, 475
 Provincial Legislative Assembly, Bengal, 500-1
 Provincial Legislative Assembly, Punjab, 500, 501
 Punjab, 35, 36, 46, 109, 163, 164, 306, 314, 315, 316, 317, 325, 326, 370, 371, 372, 373, 386, 472, 504, 505, 514, 523
 Punjab Congress Party, 112
 Punjab Legislative Assembly, 514, 520
 Punjab settlement, 497
- 'Quit India', 308
- Radcliffe, Sir Cyril, 208, 370
 Rahman, Mr Justice S A , 526
 Rajagopalachari, C., 33, 34, 58, 89, 90, 109, 116, 117, 175, 198, 319, 364
 Rajan, Dr. T.S.S , 33
 Rajaram Singh, 453
 Rajendra Prasad, Dr , 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 27, 28, 29, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 50, 51, 52, 53, 54, 57, 58, 59, 60, 61, 62, 63, 65, 66, 67, 69, 70, 71, 72, 73, 74, 75, 76, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 97, 99, 100, 102, 104, 105, 106, 107, 108, 109, 111, 112, 113, 115, 119, 120, 129, 131, 134, 135, 136, 137, 138, 139, 140, 141, 146, 149, 150, 151, 154, 156, 158, 161, 162, 163, 169, 170, 173, 199, 200, 211, 213, 217, 226, 230, 231, 234, 238, 252, 253, 258, 261, 262, 265, 270, 282, 283, 285, 287, 293, 298, 299, 302, 304, 305, 319, 321, 340, 341, 343, 348, 351, 364, 365, 369, 379, 381, 391, 392, 393, 398, 399, 402, 403, 405, 406, 408, 409, 411, 412, 418, 421, 422, 423, 448, 453, 458, 461, 470, 472, 473
 Ram, Jagivan, 48, 49, 50, 62, 71, 89, 105, 115, 186, 213, 348
 Rama Rao, Sir B . 129
 Ramaswamy, Kamala, 33
 Ranchi, 111
 Ranga, N.G., 146
 Rao, B Narasinga, 85, 86, 200
 Rao Patwardhan, 66
 Rasul, Begum Aizaz, 135
 Rationing, breakdown of, 416
 Rau, Sir B N., 41, 58, 61, 62, 96, 97, 131, 132, 254, 257, 275, 395
 Ray, S.N , 74
 Refugee Commissioner, 114
 Referendum Commission, 522, 524
 Refugees, 394; resolution on, 142-44
- Relief and rehabilitation, 24
 Reserve Bank, recommendations of, 435
 Rice in Burma, procurement of, 403, 409
 Riots, 382, 413, 414
 Roy, Arjun, 71
 Roy, Dr. Bidhan Chandra, 16, 151, 476, 477, 478, 479, 480
 Roy, J.N., 71
 Roy, Kiran Sankar, 476, 477
 Roy-Choudhury, H.N., 476, 477, 478
 Rustamji, R F , 67, 68
- Saadulla, 135
 Saha, Dr. Meghnad, 39, 40, 457, 458
 Sahai, Baldev, 92, 93
 Sahay, Vishnu, 219, 472
 Saksena, Shibban Lal, 411
 Sanyal, Nirmal, 90
 Sanjiva Rao, K., 63, 64
 Santhanam, K., 376, 406
 Saraiya, R.G., 289
 Sarin, H C., 86
 Sarkar, Abani Nath, 38
 Sarkar, Sir Jadunath, 38, 39, 457
 Sarkar, N.R., 74, 75
 Sarojini Naidu, 198, 319, 364
 Scarcity of rice, 19
 Scarcity of wheat, 19
 Security Bill, 423, 424
 Sen, Dr B.M., 457
 Sen, Dr. D.M , 460
 Sen, Nikhil Ranjan, 457
 Shah, K T , 4
 Shah Nawaz, Col , 181
 Sharma, Balkrishna, 409
 Sharma, M.S.M., 28, 29
 Shukla, R.S., 163, 223, 224, 228, 229, 233, 234
 Shyamnandan, 15
 Sidhwa, Rustam, 68
 Sikh community, 505, 510
 Simla, 41
 Simon, 9
 Sind Provincial Congress Committee, 164, 165
 Singh, Babu Gaya Prasad, 32
 Singh, Babu Jagannath, 169
 Singh, Sir C P.N., 127
 Sinha, M.K . 173, 175
 Sinha, Dr Sachchidananda, 5, 6, 7, 8, 9, 10, 15, 16, 18, 27, 28, 29, 46, 47, 48, 49, 50, 54, 55, 60, 61, 62, 70, 71, 98, 99, 102, 104, 106, 110, 111, 120, 121, 123, 127, 129, 132, 139, 156, 157, 186
 Sinha, Sri Krishna, 4, 169, 170, 171, 172, 174,

- 175, 178, 180, 182, 185, 186, 187, 194, 201, 202, 216, 218, 222, 223, 226, 227, 228, 232, 251
- Sinha, Satyanarayan, 319
- Sitaramayya, Dr. B. Pattabhi, 174, 269, 319
- Socialist Party, 66, 181
- South Africa, 61
- Sreenivasan, M.A., 107
- Sri Prakasa, 129, 139, 157, 364
- Standing Orders, Rules of Procedure and, 359, 362
- 'Standstill' Agreement, 58; signed by the Nizam of Hyderabad and Berar, 152, 153-54
- States Negotiating Committee, 486
- 'States', resolution on, 144
- Steering Committee, 51, 52; recommendations of, 76, 79, 80, 81, 193, 204, 442, 490
- Subbarayan, Dr. P., 213, 214, 216, 218
- Sugar control, 421
- Sugar, price of, 411, 412, 421
- Sundaram, K. V. K., 521, 523, 524, 525
- Supreme Court, 473; Jurisdiction and Powers of, 271-75
- Tagore, Rathindranath, 459, 460
- Talekar, S.B., 88
- Tata, J.R.D., 155
- Teja Singh, Mr. Justice, 526
- Tenancy enactment, 453
- Thakkar Bapa, 98, 106, 110
- Thakurdas, Sir Purushottamdas, 373
- Tiwari, Ramanand, 184
- "Transitional Provisions" in new Constitution, 255
- Trikamdas, Purushottam, 66
- Trikumji, Mathuradas, 209
- Trivedi, Sir Chandulal, 206
- Tyabji, B.F.H.B., 320
- Udaipur, 43, 44
- Ujjal Singh, 198
- Union Constitution, 491
- Union Jack, 318; replacement of, 211
- Union Powers Committee, 449; Report of, 311-14
- United Kingdom, 23, 77, 78, 79, 326, 327, 331, 333, 334, 335, 336
- United Nations Organisation, 396; Pakistani representative to, 122; India's delegation to, 123
- United Provinces, 32, 419, 420, 421
- United States of America, 14, 20, 395, 396, 454
- Valicha, C.T., 163
- Varadachari, S., 275
- Vellore Jail, 33
- Verma, Suresh Prasad, 70
- Viceroy, change of, 494-95
- Viet Nam Government, 475
- Vijayalakshmi Pandit, 14, 238, 364
- Vishan, Harchand, 462, 465
- Vyas, Surya Narayan, 343
- Wavell, Field Marshal Viscount, 11, 12, 171, 494
- West Bengal, 414, 459, borders of, 220
- West Bengal Cabinet crisis, 475
- West Punjab, *see also* Pakistan, 314, 316, 317, 324, 325, 326, 330, 336, 371, 372, 373, 472
- Wheat Agreement, 473
- Working Committee, 389, 390, 391; resolution on Cripps proposals, 469
- Wright, Dr. Norman C., 239, 240
- Yadvendra Singh, Maharaja of Patiala, 87
- Yuvraj Dutta Singh, Raja, 31
- Zamindari, abolition of, 11, 388
- Zamindari Abolition Bill, 213
- Zamindaris, scheme for liquidation of, 186